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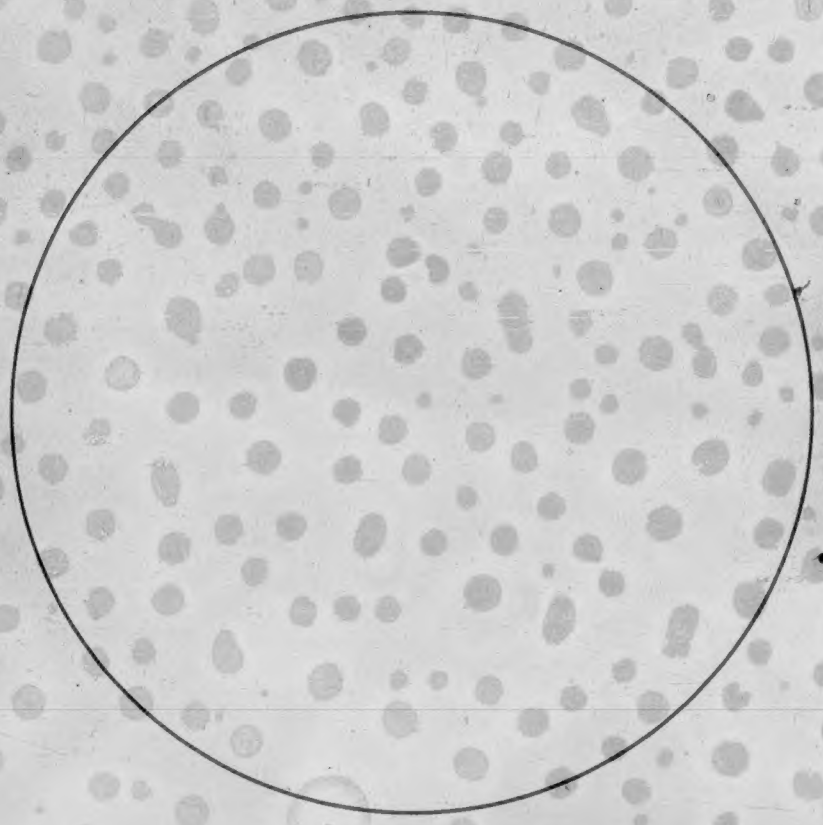

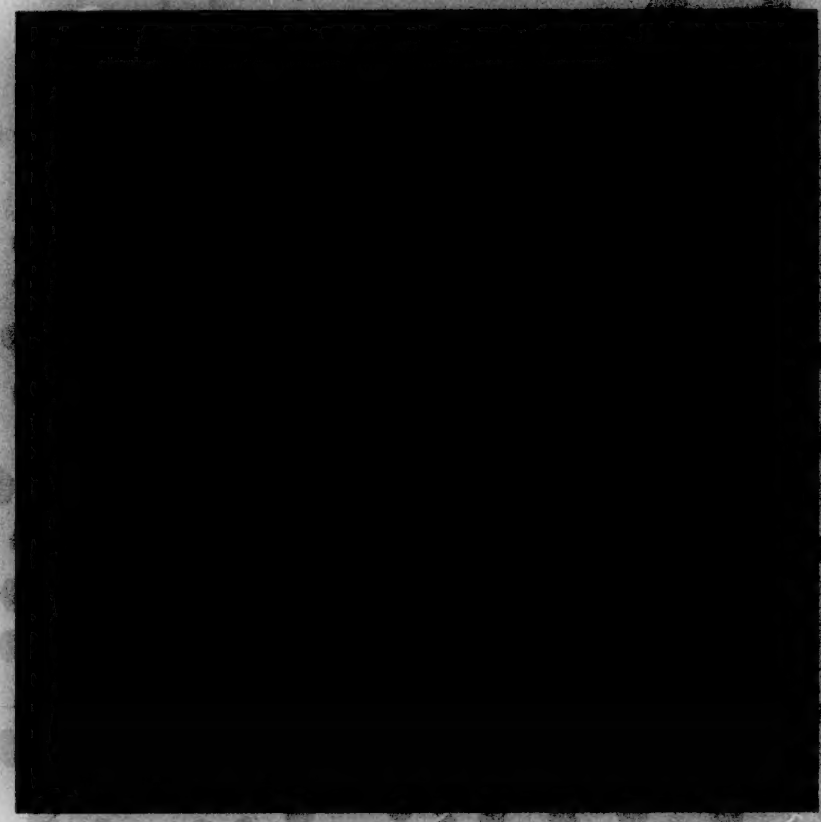

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 407

CREEK ENROLLMENT CASES 416 - 593

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1965

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Jan .13, 1904.

In the matter of the application for the enrollment of Volumn Adams as a citizen by blood of the Creek Nation.

APPEARANCE: A.P.Murphy, Attorney for Creek Nation.

Thomas G. Adams being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Thomas G. Adams.
Q How old are you? A Sixty six years old.
Q What is your post office address? A Okmulgee.
Q Are you the town king of Ketchapataka town? A Yes sir.
Q Did you know Volumn Adams? A Yes sir.
Q Is he kin to you? A Yes, my son.
Q Is he living or dead? A Dead.
Q How old was he when he died? A About thirty years I suppose.
Q What is the name of his mother? A Lucy.
Q Was she a citizen of Ketchapataka town? A Yes sir belonged to Ketchapataka.
Q Do you know Isaac Adams? A Yes sir, he is my son too.
Q Did he have a son named Volumn Adams? A He never did; there was two brothers, Isaac and Bob; half brothers; different mothers.
Q Did Isaac have any children? A Yes sir.
Q What were their names? A One named Henry I believe; I can't recollect them children honestly.
Q Did he have a son to die about the time the land office opened?
A Not as I know of; Isaac is the oldest child I had; he was married and lived and died the other side of Isparhechar; he had some children but I don't know the names of the children; There is three living I know.
Q I have an affidavit here executed by you in which it is stated that you are the grandfather of Volumn Adams; the said Volumn Adams was listed for enrollment May 23, 1901, on Creek Indian Card Field No. 3165; it appeasr from said card that at the time he was listed for enrollment he was four years old; that his father was Isaac Adams and that his mother was unknown; The affidavit above referred to states that said Volumn Adams died prior to April 1, 1899.
That's your signature, isn't it? A Yes sir; that's my signature.

It further appears that said Volumn Adams has been identified on the 1895 Ketchapataka roll at No. 94..

A Volumn is my son and Isaac is my son and Wash is my son and Volumn stayed with Wash;- the different mothers;- probably Isaac may have some son named after his brother; someof his children died; but he live about 20 mile off from me and I don't know anything about his children; I recollect that I signed that at Okmulgee.
Q Do you know what child you intended that for? A I don't know honestly; it may have been some of his children; but this Volumn has been with Wash over there, and he died; that makes two.
Q Was money drawn for your son Volumn in 1890- the $29.? A He was a boy that time; young man.

Q I want to know if money was drawn for him? A Yes sir.

The 1890 authenticated Creek tribal roll of the Creek Nation and the 1891 omitted roll of the Creek nation examined and Volumn Adams not identified thereon; the 1895 pay roll of the Creek nation examined, and Volumn Adams identified thereon at No.94,,inthe family of Wash Adams.

Q Was Wash Adams married? A Yes sir.
Q What was his wife's name? A I can't call that name now- Chary I think.
Q Did your son Volumn live with you? A No, lived with Wash; different mothers; kind of a fellow just go,all about.
Q Did Volumn and Wash have the same mother? A No, Wash's mother living today; that's my wife.
Q Did Volumn ever go by any other name? A No sir.

The affidavit above referred to is marked Exhibit "A" and made part of the record herein.

Q When did Volumn Adams die? A I can't say what day of the month but it w as in March he died; last March.
Q Last March? A Yes sir; that fellow never did file.
Q March, 1903? A Last March he died in that month; but what day I can't tell.
Q The last past March? A Yes sir.
Q I have here in my hands an affidavit executed by you on the 27th of June 1902; that's a year and a half ago, in which you state that he was dead then. A I don't believe that's right you know.
Q But this is another affidavit; but according to this last this second affidavit you filed, he has been dead between four and five years; more than four years. A I didn't get that up that way.
Q You state in an affidavit which is attached to the regular form of affidavit that you make this affidavit in order to correct the first affidavit. A Well, that one there's no account- I am satisfied of that. That one might be.

Examination by Mr. Murphy:

Q Do you remember when the land office opened, Tom, at Muskogee,? You remember the circumstance of it opening? A I know it opened down here in ninety something; yes.
Q Now, was Volumn living then or was he dead? A He was living.
Q How long after that was it he died? A I believe I made a mistake about that; I believe you are right about that; its about two years since he died.
Q Two years after the land office opened? A No, he died about going on two years I think.
Q In what month? A That was in March.
Q Now, you was a member of the council in 1901 wasn't you? A Yes sir
Q Do you remember when the first Creek treaty was ratified? A Yes si
Q Was Volumn living or dead at that time? A He was living.
Q How long after that was it he died? A
Q To your best recellection? A I think he died between 1891 somewhere; it was in March though.

Q In 1891? A In 1901.
Q You was a member of the Creek council when the second treaty was ratified wasn't you? A Yes sir.
Q How did he die in relation to that? A Before.
Q How long before? A That was in March.
Q The March before that? A MYes.
Q Was there a coffin bought for it? A I bought it myself.
Q Whom did you but it from, Tom? A Sheben Miller; he made the coffin.
Q Where is Sheben Miller now? A At home.
Q Where does he live? A Close to me.
Q What is his post office address? A Okmulgee.
Q Did you have a funeral preached? A No.
Q Had no minister at all? A No.
Q What is the name of Volumn's mother? A Lucy.
Q Is she living or dead? A Dead.
Q When did she die? A I don't know; its a good while back. It was before we was taking a list of the payment; about a year before that
Q How long had Volumn been living with Wash up to the time of his death? A He was living the balance of his time; till he got to be a young man.
Q Did Volumn die before or after his mother? A After his mother.
Q How long after? A About eight years.
Q And she died before the commenced taking the list of the 1895 payment? A Yes sir.
Q Was it more than eight years after or less? A I just can't say.

By the Commission:

Q Did Volumn's mother die before the 1890 payment? A Yes; that's the reason we never enrolled her.

By Mr. Murphy:

Q And Volumn's mother died before that $29 payment was made in 1900? A MYes sir.
Q Aint it a fact, Tom, that it was about 9 years after that payment that Volumn died? A I just said about 8 years but it might have been nine years.
Q But in your best judgment it was not ever nine years, was it? A No, I don't think it was.
Q In your best judgment, wasn't it along about March 9 years after the 1890 roll? A Yes sir:

Witness excused, and Bettie Adams called; being sworn she testified as follows:

Examination by the Commission:

Q What is your name? A Bettie Adams.
Q How old are you? A Thirty eight years old.
Q What is your post office address? A Okmulgee.
Q Was Volumn Adams a brother of yours? A Yes sir.
Q Do you know when he died? A About two years since he died; died in July.

Q Have you a child named Mahaley? A Yes sir.
Q Did Volumn die before that child was born or after? A
Q Was he living when that child was born? A He was living.
Q The child's name is Mahala Grayson is it? A Yes sir.

The records of the Commission examined and they shew that Mahala Grayson was born March 23, 1901.

Examination by Mr. Murphy:

Q Which was the eldest, you or Volumn? A He was the eldest.
Q Where was he living when he died? A I can't tell where he was living. Didn't have no home.
Q Where did he generally live? A Lived round with his father.
Q What relation is Isaac Adams to you? A My brother.
Q Has Isaac got any children by the name of Volumn? A No sir.

By the Commission:

Q Did he ever have one? A No sir.
Q Has he any children dead? A No sir.

By Mr. Murphy:

Q Do you remember when you filed on your land? A I can't remember what day of the month.
Q But you remember of doing it? A Yes sir.
Q Was Volumn living then or not? A Yes he was.
Q How long after that was it he died? A I don't know how long after that.
Q Very long? A Don't think it was very long; its bout two years since he died.
Q I mean after you filed on your land? A I don't know how long it is since I filed.
Q I mean how long after you filed was it that Volumn died- to your best recollection? A I don't remember.
Q Did you draw the $14 payment? A yes sir.
Q Was Volumn living then? A Yes sir.
Q How long after that was it he died? A I don't remember that.
Q About how long in your judgement? A I don't remember.
Which is the eldest you or Isaac? A He is the eldest.
Q Where were you living when Isaac died? A On Duck Creek.
Q Was you at the funeral? A Yes sir.
Q Which died first, Isaac or Volumn? A Isaac died first.
Q How long after Isaac died till Volumn died? A About a year apart or two; I don't know.
Q Was you at Volumn's funeral? A Yes sir.
Q Did they have a preacher? A Yes sir.

Q Who was it? A Corbray Hill.
Q What is his post office? A Beggs I guess; I don't know.

By the Commission:

Q Was Isaac married when he died? A Yes sir.
Q What was the name of his wife? A Dicey Adams.
Q Is she living? A Yes sir.

Witness excused.
Thomas J. Adams recalled:
By the Commission:

Q What is the name of Isaac's mother? A Lucy.
Q Was she a Seminole? A Yes sir.
Q Was Volumn's mother a Seminole? A Not Seminole; his mother Creek; her name Lucy also; there's two Lucys; that Lucy's Isaac's mother was Seminole; one man but different mothers; Wash's mother is living; that's named Mahala; I had two Lucies.

An affidavit executed by Thomas J. Adams June 27, 1902, is marked Exhibit "B".

Q Who is Martha Adams? A That's my daughter.
Q Was your son, Volumn rather weak minded? A Yes.
Q Did he have sufficient mind to tend to his own business? A You know how the Snake band is; he was that-a way and I couldn't get him to do nothing.
Q That was Volumn? A Yes; he didn't have really weak mind.
Q Did he draw his own money at the payments? A I don't know; I either drew it himself or Wash drew it; I am most sure that Wash drew it; maybe I drew it myself.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on January 13, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 16th day of January, 1904.

Charles H. Sawyer

Notary Public.

Bn. 416.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 15, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Volum Adams as a citizen by blood of the Creek Nation.

GEORGE W. ADAMS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A George W. Adams.
Q How old are you? A Forty-one.
Q What is your post office address? A Beggs.
Q Did you ever have a brother named Volum Adams? A Not that I know of.
Q What is the name of your father? A Thomas Adams.
Q Do you know Bettie Adams? A Yes, sir.
Q Is she your sister? A Yes, sir.
Q She says that Volum Adams is her brother? A I had a brother named Isaac Adams. His name might been put on wrong. He is dead now.
Q Did Isaac have a child named Volum? A I don't think any of them were.
Q Your father in giving his testimony in this case stated that Volum Adams is dead and that he was about thirty years old when he died? A It is Isaac.
Q He said that Volum stayed with Wash. That is you is it? A Yes, sir.
Q He said that Volum stayed with Wash. Did you ever know any one by the name of Volum Adams? A No, sir, but I know Isaac Adams. He used to stay with me. You go to the old Creek Pay Roll and you will find Volum Adams on there.
Q Isaac Adams is on there as Volum is he? A Yes, sir. He didn't explain that.
Q How long has Isaac been dead? A Been dead---let's see. It might be five years, I aint sure.
Q What was Isaac's mother's name? A I wasn't born then. Different mother.
Q Didn't you ever hear her name? A No, sir.
Q Did Isaac sometimes stay about your house? A Yes, sir, he was my brother.
Q Did he have a family? A Had a family before he died.
Q Where did he die? A Here.
Q Where was he living when he died? A Right north-west of here about twenty-five miles.
Q His name was on the roll as Volum was it? A Yes, sir. He drew his money under that name.

------:OP------

I, D. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 14 day of Nov. 1904.

Charles P Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 18, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Volum Adams, deceased, as a citizen by blood of the Creek Nation.

THOMAS J. ADAMS, being duly sworn, testified as follows:

By Commission:

Q Your name is Thomas J. Adams? A Yes, sir.
Q What is your post office? A Okmulgee.
Q You gave testimony in the case of Volum Adams at Muskogee some time ago didn't you? A Yes, sir.
Q Is Volum Adams and Isaac Adams one and the same person? A No. Isaac----
Q Your son, Wash, in his testimony said that Isaac Adams was sometimes called Volum Adams, and that he was paid at the $14.00 Payment under the name of Volum? A I tell you how that is. I got Isaac Adams, my son, he was a Seminole and he died here and left some children. Now at that time, you understand, they taken the Census for the Pay Roll. I wasn't there and they tell me they called Isaac Volum at the $14.00 Payment. George Tiger was chief at that time and he told me about taking this census. Wash told me about it day before yesterday and said I was a little wrong about that. Isaac is my son. Volum they got in on the roll as my son. I sustain this Volum to be my son.
Q Did you ever have more than one son named Isaac? A Yes, sir.
Q Had two named Isaac? A No, one.
Q Had only one named Isaac? A Yes, sir.
Q Did your son, Isaac die before the Creek Land Office opened or after? A After.
Q How long after? A I don't know. He was living when they was camped over here across the Creek. I had been down to Muskogee. I was very sick. He filed for his children in the Creek Nation. When the office first opened at Muskogee he was living.
Q Did he get land in the Seminole Nation? A Yes, sir.
Q He had already got land in the Creek Nation? A That is what is said but I don't know.
Q Your understanding is he got land for himself in the Seminole Nation? A Yes, sir, that is my understanding. The Commission sent me some kind of a communication about looking up a forty for my son Isaac in the Seminole Nation and I told them I didn't have time to go away out there.

------:O:------

I, D. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Nov., 1904.

Charles D Sawyer
Notary Public.

2.11.

No. 414

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Yelum Adams, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

The final roll of citizens of the Seminole Nation, approved by the Department April 2, 1901, examined and Isaac Adams identified thereon at No. 1732.

Commissioner.

Muskogee, Indian Territory,

November 14, 1904.

No. 416

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Volumm Adams, deceased, as a citizen by blood of the Creek Nation.

-: SUPPLEMENTAL STATEMENT :-

Approved Seminole Roll examined and the name of Isaac Adams identified thereon at No. 1782.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman

Muskogee, Indian Territory
November 14, 1904.

D.U.

Mn. 416

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Volumn Adams, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on January 13, 1904, Thomas G. Adams appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his son, Volumn Adams, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had at Okmulgee, Indian Territory, October 15 and October 18, 1904, and at Muskogee, Indian Territory, November 14, 1904.

The evidence shows that said Volumn Adams, deceased, is the same person as Isaac Adams, and that the name of said Isaac Adams is contained in the final roll of citizens of the Seminole Nation approved by the Department April 2, 1901, at No. 1732.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Volumn Adams, deceased, as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

FEB 21 1905

Cr En 416

Muskogee, Indian Territory, February 23, 1906.

Thomas G. Adams,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your son, Volman Adams (deceased), as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Registered.
JY: -23-23.

Hdw

Cr En 416

Muskogee, Indian Territory, February 23, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Volumn Adams (deceased) as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYL-23-14.

Dr. No. 416

Muskogee, Indian Territory, February 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Volumn Adams (deceased) as a citizen by blood of the Creek Nation, including the decision of the Commission, dated February 21, 1906.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYL-23-25.

Refer in reply to the following:
Land: 16842-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 8, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 23, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation by Thomas G. Adams, for his son, Volumn Adams (deceased).

February 21, 1905, the Commission decided adversely to the applicant.

The record shows that Volumn Adams is the same person as Isaac Adams and that the name of Isaac Adams is contained in the final roll of citizens of the Seminole Nation approved by the Department April 2, 1901, at No. 1732.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee,
Acting Commissioner.

M.K.M.
W.

I.T.D. 2358-1905. GR.RJH.

LRB.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, March 24, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Ind.Ter.

Gentlemen:

February 23, 1905, you transmitted the record of the application of Thomas G. Adams, ~~xxx~~ for the enrollment of his son, Volumn Adams (deceased), as a citizen by blood of the Creek Nation, including your decision dated February 21, 1905, denying said application.

On March 8, 1905, the Indian Office, reporting in the matter, recommended that your decision, denying said application, be affirmed. A copy of its letter is herewith enclosed.

The Department concurs in the recommendations made, and your decision, denying the application for the enrollment of Volumn Adams, (deceased), as a citizen by blood of the Creek Nation, is hereby affirmed.

Respectfully,

(Signed) E.A .Hitchcock,
Secretary.

1 inclosure.

Cr Bn 416

Muskogee, Indian Territory, April 5, 1906.

Thomas G. Adams,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 24, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 21, 1905, denying the application for the enrollment of your son, Volumn Adams (deceased) as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

Or En 416

Muskogee, Indian Territory, April 6, 1905.

H. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 24, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 21, 1905, denying the application for the enrollment of Volumn Adams (deceased) as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

Cr.En. 416.

Muskogee, Indian Territory, April 25,1905.

Thomas G. Adams,

[redacted], Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 24, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of your minor son, Volumn Adams, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Cr.No.416.

Muskogee, Indian Territory, April 28, 1905.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 24, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application of Thomas G. Adams, for the enrollment of his minor son, Volumn Adams, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Jan. 14, 1904.

In the matter of the application for the enrollment of the minor child, Minnie Barnett, as a citizen by blood of the Creek Nation.

APPEARANCE: A. P. Murphy, attorney for Creek Nation.

William Barnett being sworntestified as follows through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A William Barnett.
Q How old are you? A Twenty eight.
Q What is your post office address? A Okeemah.
Q Are you a citizen by blood of the Creek Nation? A Yes sir.
Q What is the name of your father? A Barney; just Barney.
Q Do you know anyone by the name of Wewoka Yahola? A Yes sir.
Q Who is he? Is that your father? A That's my father; that's his Indian name.
Q What is the name,of your mother? A Tok hah ki.
Q For whom do you now make application for enrollment? A Minnie Barnett.
Q Are you her father? A Yes sir.

Records of the Commission examined and it appears that William Barnett is listed for enrollment on Creek Indian Card Field No. 2758 approved roll No. 7888.

Q What is the name of the mother of Minnie Barnett? A Annie Miller
Q Is she your wife? A Yes sir.

Records of the Commission examined and it appears that Annie Miller is listed for enrollment on Creek Indian Card Field No. 4121, approved roll No. 9240.

Q How old is Minnie? A Fourmyears old.
Q Is Minnie Barnett more than four or less than four years old?
A Just four years old.
Q Does he mean that she is four years old today? When was she born?
A She was born in 1900.
Q What month? A July 14.
Q Did you file on land for yourself? A The Commission made an arbitrary allotment.

Q Do you know Charles Anderson? A Yes; he is dead now.
Q Was Minnie Barnett born before Charles Anderson died or after?
Q Minnie was born when Charley Anderson died.
Q How old was she when Charley Anderson died? A About a year old I guess.
Q Is Minnie Barnett living? A Yes sir.

Records of the Commission examined and it appears that Charles Anderson died on or about June 25, 1901.

Statement
~~Examination~~ by Mr. Murphy:

(The Creek Nation has no evidence to offer, and feels that from the evidence, there is no objection to the enrollment of this child.

By the Commission:

It appears from the records of the Commission that an affidavit relative to the birth of Minnie Barnett has heretofore been filed and the same is made part of the record herein.

---- --------

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case January 14, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 16th day of January, 1904.

Charles W. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

En. 417.

In the matter of the application for the enrollment of Minnie Barnett as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on January 14, 1904, William Barnett appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his child, Minnie Barnett, as a citizen by blood of the Creek Nation.

The evidence shows that said Minnie Barnett was born July 14, 1900 and was living at the date of the application herein.

The evidence further shows that said Minnie Barnett is the child of William Barnett who is identified on the partial list of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902, No. 7888, and Annie Barnett who is identified on the partial list of Creek citizens by blood approved by the Secretary of the Interior, November 14, 1902, No. 9240.

It is, therefore, the opinion of the Commission that Minnie Barnett should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory

MAR 17 1904

3813

En. 417.

Muskogee, Indian Territory, March 18, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission in the matter of the application for the enrollment of Minnie Barnett as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Minnie Barnett will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGH-3-18-1.

Dn. 417.

Muskogee, Indian Territory, May 28, 1904.

William Barnett,

Okemah, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Minnie Barnett, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation may now be made for said Minnie Barnett at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR ED WR

CR ED 418

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JAN. 15, 1904.

In the matter of the application for the enrollment of Willie Robinson as a citizen by blood of the Creek Nation.

APPEARANCE: A.P.Murphy, attorney for Creek Nation.

Annie Robinson being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Annie Robinson.
Q How old are you? A Twenty seven.
Q What is your post office address? A Henryetta.
Q Are you a citizen by blood of the Creek Nation? A Yes sir.
Q For whom do you now make application for enrollment? A Willie Robinson.
Q Is Willie your child? A Yes sir.
Q What is the name of its father? A Dave Robinson.
Q Dave Robinson is a Creek Freedman is he? A Yes sir.

Records of the Commission examined and it appears that Annie Robinson is listed for enrollment on Creek Indian Card Field No. 1960, approved roll No. 6125; it also appears that Dave Robinson is listed for enrollment on Creek Freedman card Field No. 98, approved Roll No. 368.

Q Have you a child named Henry? A Yes sir. Q Older than Willie? A Yes
Q How much older is he? A I think he is five years older than Willie.
Q When was Willie born? A In 1900; July 6th.
Q Who was present when he was born? A Hannah Robinson. Island Smith.
Q Anyone else? A Midwoman.
Q What was her name? A Elizabeth Barnett.
Q How old is Henry now? A I think he is about five years old; I am not sure.
Q How old is Willie? A He would be four years old this coming July
Q Did you file on your own land or did Dave file for you? A I filed on my own land.
Q Was Willie born when you filed on your own land? A No sir.
Q How long after you filed that he was born? A That same year.
Q How long after? A I think its about five years since I have been filed.
Q No, I am not asking you that; how long after you filed before Willie was born; do you remember that? A No sir.

An affidavit has heretofore been filed with the Commission relative to the birth of Willie Robinson, and the same is made part of the record herein.

Q What's the difference in the ages of Henry and Willie? About how old was Henry when Willie was born? A I think he was about four years old.
Q When Willie was born? A No, about a little over two years old I think; I can't exactly tell you.
Q Where is Willie? A At home.
Q Have you any children younger than Willie? A Yes sir.
Q How many? A One.
Q When was that child born? A Last year.

Examination by Mr. Murphy:

Q Can you read or write? A No sir.
Q How old are you? A Twenty seven.
Q When was you born? A I can't exactly tell you when.
Q Do you know what year? A No sir. My father lost our ages; he had it put down in a book but lost it.
Q How long have you been married? A Seven years.
Q When was you married? A 1903; well I can't tell you what time of the year it was.
Q What year was it? A You could tell; I was married seven years.
Q I asked you if you remember what year it was in? A What you call last year? Before that one?
Q Well, it was eighteen hundred and what? A Three.
Q Do you know what year it was? A 1803.
Q 1903? A 1803.

By the Commission:

Q Do you mean 1893? A Yes sir.

By Mr. Murphy:

Q Have you been married eleven years? A No, I aint been married that long. Its a little over seven years.
Q Then you wasn't married in 1893 then? A Well, I guess not.
Q Do you know what month it was? A Yes sir, it was February.
Q What was the name of the first child that was born, to you? A Georgie.
Q Is Georgie living or dead? A Living.
Q When was Georgie born? A That same ~~month~~ year I was married in; last day of December.
Q Well, what year was he born in? A The same year I married.
Q Well, what year was it he was born in? A I didn't keep the time.
Q Well, what's the name of the next one? A Henry.
Q When was Henry born? A Two years after Georgie was born.
Q Well, what year was that? A Well, I can't tell you, Mister.
Q Do you know what month? A Yes sir.
Q Well, what month was it? A I think I know; if I don't forget; its so long; I think it was in October or November- one of them months.
Q Which one was it? A One of them.
Q What day of the month? A I forget.
Q Do you know when the land office opened here in Muskogee, A I can't tell you.

Q Do you remember the day of the opening? A Yes sir.
Q Was Henry born before or after it was opened? A I think before.
Q How long before? A How long has this land office been open?
Q That is for you to say. A About a year before.
Q Well, what was the name of your next child? A Willie.
Q When was Willie born? A July 6, 1900.
Q Well, what is the name of the next one? A Nelson.
Q Now, when was Nelson born? A February 23.
Q What year? A This coming February make him two years old.
Q What year was he born in? A This is 1904, aint it? It must be 1903.
Q What year was it? A 1902, I think.

By the Commission;

Q

The child, Nelson ~~was~~ is present in the room and appears to be one and a half or two years old.

By Mr. Murphy:

Q What year was Nelson born? A 1902.
Q Are you sure of that? A Yes, he was gwine to be, cause this coming February he will be two years old.
Q What month? A February.
Q What day? A The 23rd.
Q Did you put it down in a book anywhere- the birth of this child?
A Yes sir.
Q Put it down yourself? A No, my sister put some of them down; and some my aunt.
Q Who told you that Willie was born on the 6th day of July, 1900?
A I knows it, for I birthed him.
Q What year was last year? A 1903.
Q What was the year before that? A 1901.
Q And the one before that? A 1900.
Q How much older is Willie than Nelson? A I can't get at that.
Q About? A Pretty near two years I think.

Witness excused and Dave Robinson called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Dave Robinson.
Q How old are you? A I can't tell you exactly how old; I am about thirty-one.
Q What is your post office address? A Henryetta.
Q Are you the father of Willie Robinson? A Yes sir.
Q How old is he? A He would be four years old this coming July 6.
Q Have you a child younger than Willie? A Yes sir.
Q What is that child's name? A Nelson.
Q That is the child that is here with you? A Yes sir.
Q How old is that child? A I can't tell you what year did he born, but he aint two years old yet.

Q How much does he lack of being two years old? A Next month February, he will be two years old, but what day I can't tell you.
Q How much older is Willie than Nelson? A I can't tell you.
Q Have you a child named Henry? A Yes sir.
Q Is he older than Willie? A Yes sir.
Q How much older? How old was Henry when Willie was born? A He was a year and something, but I can't tell how many over; a year and something.
Q How old was Willie when Nelson was born? A Nelson borned in 1903 and Willie was born in 1900, July 6.
Q Now, you say Nelson was born last year? A Yes sir, he was born 1903.
Q You just now said he would be two years old next month? A Well, wasn't last year 1903?
Q Yes; that child wasn't born last year? A No, he was born in 1902. This coming February will make him two years old.
Q Did you come with your wife when she came to file on her land? A Yes sir.
Q How long after that before Willie was born, do you remember? A Not very long after we got back home; we were here in June when we filed; we left home on the 20th and we got here; we was a day and a half on the road; we filed about the 23rd I think of June and he born not very long after we got back in July.

The records of the Commission show that a citizenship certificate was issued to Annie Robinson June 19, 1900.

Q Willie is living, is he? A Yes sir.

Witness excused and Hannah Robinson called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Hannah Robinson.
Q How old are you? A I can't tell you my age; I don't know how old I is.
Q Are you the mother of Dave Robinson? A Yes sir.
Q Do you know a child of his named Willie? A Yes sir.
Q Is that child livng? A Yes sir.
Q How old is the child now? A He ought to be four years old I think
Q Were you present when he was born? A Yes sir, I was right there.
Q Do you know the month and day of the month he was born? A It was in the year 1900 I think.
Q Was it in the Summer or Winter he was born? A Along about September I think.
Q Was it warm weather or cold weather? A Kind of cool like in September; that month is kind of cool you know.
Q Do you know a child of hers named Nelson? A Yes sir.
Q Is that the child that's here? A Yes sir.
Q How old was Willie when Nelson was born? A A year old I think; let me tell you, Mr. I never kept no ages of these children; they walk when they was 9 months old; when they is 9 months old they are traveling around.
Q They have a child named Henry, haven't they ? A Yes sir.
Q Was you present when Henry was born? A Yes sir right there.
Q Was Henry born in cool weather or warm weather, do you remember? A No sir; my remembrance aint good; I didn't keep my good remembrance; my head aint right.

Examination by Mr. Murphy:

Q You don't know whether it was 1900 from your,own knowledge?
A It was 1900 July.
Q You don't know that from your own knowledge, do you? A Yes sir.
Q It is from what someone told you, aint it? A No sir; it was 1900
Q What year is this? A This is-- I know its a four, but I don't know my figures.
Q What was last year? A 1890 I think.
Q Well, what was the year before last; do you know? A No sir.
Q What was the year before that? A I don't know.
Q Was Willie born either one of those years that I am talking about, A Yes sir.
Q Which one of them? A He was born in the year of 1900.
Q Well, which one of those years that I called? A Well, you said 1900.
Q I never called 1900; was he born last year or the year before or the year before that; or was he born before that? A In 1900.
Q Well, which one of those years I have called? Either one of them or was it before that? (No answer).

By the Commission:

Q Was Willie Born this year? A NO.
Q Was he born last year? A No.
Q Was he born the year before last year? A Well, he is four years old.

By Mr. Murphy:

Q Was he born year before last? If you don't know, just say you don't know. A You all have to excuse me cause my memory is gone.
Q Well, the fact is, you don't know when he was born? A I know when he was born.
Q Who told you? A I was there.
Q Who told you it was 1900? A I told myself.
Q Can you read and write? A No sir.
Q You didn't write it anywhere, did you? A No sir.
Q Somebody must have told you. Who told you? A I can tell the figures now and then.

Witness excused and Island Smith called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Island Smith.
Q How old are you? A About thirty four.
Q What is your post office address? A Weleetka.
Q Do you know Dave Robinson and his wife, Annie? A Yes sir.
Q Do you know a child of theirs named Willie? A Yes sir.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Have you a child named Georgianna Smith? A Yes sir.
Q Which was born first, your child or Willie? A Mine is the older.
Q How much? A Georgianna is three years old; Willie was born in 1900.
Q I want to know how much older is your child than Willie? A I dis-remember.

Q About how much? A I don't just know which one is the oldest, for certain.
Q About how old did you say your child, Georgianna is? A Three year old; 1899.
Q Is there as much as a years difference in their ages? A I don't think it.
Q Do you know when Willie Robinson was born? A Yes sir.
Q When? A The year of 1900.
Q Wht month and day? A Yes sir; July 6hh.
Q When was your child, Georgianna born? A A man can't remember nothing like the women folks; I can't think of it.
Q Why is it that you can rememberthe exact date of the birth of Willie Robinson and you don't know that of your own child? A Well, some things slips his memory but Georgianna borned on 27th day of February I think; filed the 27th day; that's it.
Q I am not talking about when he filed. A Yes sir, the 27th day of February, 1899; as far as I can think of it.
Q Why is it you can remember the exact date of the birth of Willie Robinson and you are not positive as to the date of the birth of your own child? A Well, some things a person would make a little mistake; of course it does look a little funny- but at the same time--

Examination by Mr. Murphy:

Q The fact is that somebody told you that Willie was born on the 6th day of July, 1900? A No sir; I went down there to borrow a thimble for my wagon.
Q That's the only reason that you place th date at July 6th, that you went down there to borrow a wagon? A No sir.
Q What else? A The almanac.
Q Did you look at the almanac that day? A Yes sir.
Q And you looked at it on that day just because you went to borrow a wagon? A No.
Q Well, you have been up to Robinson's a good many times, haven't you? A Not,very much.
Q Well, you have been up there many times? A Yes sir.
Q Do you look at the almanac every time you go up there? A No sir.
Q You just looked at it that one day? A I always did look at it.
Q When did you look at it again? A Every week.
Q Tell me the next date that you looked at the almanac? A The next day or two.
Q Tell me that date? A Saturday and Sunday.
Q What day; not what day of the week? A I looked at it on the 7th or 8th; along every night it is laying on the table; I would look at it when it was sitting there.
Q Tell me the day thatyou looked at it besides July 6th. A 17th of July.
Q What was you doing that day? A Nothing.
Q Nothing but looking at the almanac? A No, it was in the night.
Q What time of the day was it on the 6th of July you was up there? A Along in the morning.
Q What time in the morning? A I don't know for certain; the sun was up.
Q Had the child been born yet? A I don't think so; cause Dave borrowed my buggy to go after the mid-woman.
Q What kind of a day was it? A The sun was shining; it was day, not night.
Q How did you go up there? A Walked.

By the Commission:

Q How far do you live from him? A About half a mile.

By Mr. Murphy:

Q What kind of clothes did you have on? A I had on pants.
Q What color were they? A I had on a black coat and vest and every day shirt; such a thing as that anybody can't remember.
Q Did you have on a neck tie? A No.
Q Did you wear a cap or a hat? A I don't know what did I wear.
Q How long did you stay up at Robinson's? A About half hour or more I don't know just how long; didN'T have no time piece or nothing.
Q Well, where did you go when you left there? A Home.
Q How did you go back? A Waslked.
Q What did you go up there for? A I went up there to borrow a wagon
Q Didn't take your wagon home with you? A No sir, couldn't.
Q What was you doing that day? A Moving my load.
Q What time did you up there that day? A About day.
Q Whattime did you go to bed that night? A Between 9 and 8.
Q On the 6th day of July, 1901, where were you? A Home.
Q What was you doing? A Around the house; first one thing and then another.
Q Was you up at Willie Robinson's that day? A Yes sir.
Q On the 6th day of July, 1901? A No, 1900.
Q Well, I am talking about 1901, now. A I don't know.
Q Was you up to Willie Robinson's that day? A No sir, I was at home
Q What was you doing? A Working around the house.
Q What was you doing? A Cutting wood; wleaning out my stable.
Q What time did you get up that morning- the 6th July 1901? A Well, I always get up early enough.
Q What time did you get up that morning? A I had no time piece; before sunrise.
Q What kind of clothes did you wear that day? A I don't remember.
Q Did you have on a cap or a hat? A Hat.
Q Well, now, on July 6, 1902, where w as you? A I never was out of this country no way.
Q Where was you on the 6th day of July, 1902? A Round home.
Q What was you doing? A It aint every day a man works.
Q What was you doing that day? A I don't remember.
Q What kind of clothes did you have on that day? A Don't remember.
Q What time did you get up that morning? A Don't remember.
Q What time did you go to bed that night? A Don't remember.
Q Where was you on the 6th day of July, 1903? A Home.
Q What was you doing? A Keeping up my place; working.
Q What was you doing? A Chopping.
Q What time did you get up that morning? A Don't know.
Q Was you up to Robinson's that day? A Yes, went by there; went over to my step-father's/
Q On the 6th day of July, 1903? A Yes, went by there.
Q What time of the day did you go over there? A Along about 10 or 11 oclock.
Q What kind of clothes did you have on? A Overalls and a pair of shoes and black looking hat.
Q Have on a neck tie? A No sir.
Q What time did you go to bed that night? A About 8 oclock.
Q Where was you on the 6th day of July, 1904? A I don't remember that.

Q What time did you get up that morning? (No answer).
Q What kind of clothes did you have on that day (No answer).
Q Was you up at Willie Robinson's that day? A No.
Q Where was you? A I was home.
Q Was you home on the 6th day of July, 1904? A Yes sir.
Q What was you doing? A Working
Q What was you working at? A Fixing round the house there; there's so much that you wont remember.
Q But you are sure that you was working that day around the house?
A Yes sir.

By the Commission:

The records of the Commission show that Georgianna Smith was born November 27, 1899.

Statement by Mr. Murphy:

The Creek Nation has no evidence to offer.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribeshe reported the above case January 15, 1904, and that this is a full, true and correct transcript of his stenographic notes in s ame.

Henry G. Hains

Subscribed and sworn to before me this 16th day of January, 1904.

Charles N. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JJB

En. 418.

In the matter of the application for the enrollment of Willie Robinson as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on January 15, 1904, Annie Robinson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Willie Robinson, as a citizen by blood of the Creek Nation.

The evidence shows that said Willie Robinson was born on July 6, 1900, and was living at the date of the application herein.

It further appears that said Willie Robinson is the child of Annie Robinson who is identified on the partial list of Creek citizens by blood approved by the Secretary of the Interior, March 28, 1902, No. 6125, and Dave Robinson who is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior, March 13, 1902, No. 368.

It is therefore the opinion of the Commission that said Willie Robinson should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE [illegible]LIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

MAR 12 1904

Dn. 418.

Muskogee, Indian Territory, March 15, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Robinson as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Willie Robinson will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGH-3-15-5.

8813

I. 4516.

Muskogee, Indian Territory, May 28, 1904.

Dave Robinson,

Henrietta, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Willie Robinson, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission at Muskogee, Indian Territory.

Respectfully,

Chairman.

En 418

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Jna. 20,1903.

In the matter of the application for the enrollment of Emma Starr, deceased, as a citizen by blood of the Creek Nation.

(The Commission in notifying the office of the Creek attorney was informedthat he was out of the city.)

Chesney Starr being duly sworn, testified as follows through Samuel C. Davis, sworn interpreter:

Examination by the Commission:

Q What is your name? A Chesney Starr.
Q How old are you? A Forty three years old.
Q What is your post office address? A Henry, Oklahoma.
Q Are you a citizen of the Creek Nation? A Yes sir.

Records of the Commission examined and it appears that Chesney Starr is listed for enrollment on Creek Indian card F. No. 2063., and that his name is contained in a list of Creeks by blood approved by the Secretary of the Interior, March 28, 1902, No. 6261.

Q For whom do you now make application for enrollment? A His daughtr Emma Starr.
Q What is the name of Emma's mother? A Mollie.
Q Is Mollie your wife? A Yes sir.
Q What town did Mollie belong to? A Lochapoka.
Q Is Mollie living or dead? A Dead.
Q How long has she been dead? A About seven years he says.
Q What was her name before you married her? A Mollie Scott or Scull or just Mollie. They seldom call Indians by their surname.

The 1890 tribal roll of the Creek Nation examined and the mother of the child, Emma, identified thereon page 144, Lochapoka town, as Mollie.

Q Which died first, this child, Emma, or Mollie? A Mollie died first.
Q How long first? A Can't figure exactly; Emma was nine years old when she died; Emma was born in 1890 and died 1899 May-- I don't know.
Q When was this child Emma born? A 20th of May, 1890.
Q Did you draw money for her in 1895- the $14 payment? A We drew the $29 for her; the per capita payment.
Q Didn't he draw the $14 payment? A Yes sir.
Q That is for the child, Emma? A Yes sir.
Q Do you know Emma Grayson? A You see he married a Grayson woman afterwards; he didn't know Emma Grayson. Emma Grayson is a sister of this man here--Wiley Grayson-- Starr's step-son and Amy Grayson and

Emma Grayson is the same Indian and she is a sister of this man, Wiley Grayson.
Q Have you a child named Martha Starr? A He did have; yes sir; its dead.
Q Who is Emma Seaper? A I don't know her.
Q She is in the family there with Sunday. ★ He says that is a sister of his wife. A This Emma Seaper is this same Emma. That's his daughter; when his wife died this Seaper woman brings those chil dren down there and keeps it with her and in enrolling it they enrolled it. He said that he didn't know Emma Seaper; who she was; if she is enrolled as Emma Seaper he didn't know it; but as far as this woman bringing the child down there and taking care of it till its death; he says that Emma was there. (The interperter says this Narchy woman took the child after Mollie died.)
A He said that he left Narchy have the child to raise for him.
Q Are Sam and Sunday in the same family? A They are all relations there in that family.
Q That's the same family? A Yes sir; Sunday and Andy are sons of Narchy; Narchy Scot married Seaper up there.
Q Do you know Mooser Naharkey? A Yes sir.
Q Did he know that child of yours, Emma? A Yes sir.

The 1895 payroll of the Creek Nation examined and Emma Starr identified thereon at No. 45 under the name of Emma Seaper.

Q Did your child, Emma, die before the Creek Land office opad or after? A Died after the Creek land office opened.
Q I have the testimony here of Mooser Naharkey and he says she died before the Creek land office opned; says she died a long time ago, before the Creek Land Office opned. (Reference is made to E.60.)
A He said that Mooser Naharkey must be mistaken about it; he said he knew Emma Starr as far as that's concerned and he said that Mooser lived on the opposite side of the Arkansas river from him and he said he would know more about when sher died than Mooser would.
Q Do you remember when the Commission went about taking the census of the Creek people? A Yes sir. He knows when they were around-about 1898.
Q Was Emma living at that time? A Yes sir.
Q Did you give the Commission her name when you gave in the names of your family? A He said he didn't; that Emma was living with this Seaper family and he expected for them to have her enrolled; he said when he enrolled himself and the immediate family he of course had Emma in view but she was over there with this other family of Indians and he supposedthat they would have her enrolled with their family.
Q How old was Emma when she died? A About 9 years and a half.
Q When did Emma Seaper die? A May ,1899; Emma Starr.
Q What day of the month? A She died on the 20th day of May; the same day of the month that she was born.
Q Was she a full blood Creek? A Yes sir; he says he is full blood and her mother full blood.
Q How long after the land office that she died- about how long?
A Not long after the land office opened; land office opaed in April and she died in May.
Q Have you heretofore executed some affidavits about the birth and death of your child? A He said he did make an affidavit sometime ago about the death of the child, but the birth he didn't know positively at that time until he inquired and found out.

Witness excused and Eli Bell being called and sworn, testified as follows through sworn interpreter, Samuel C. Davis:

Examination by the Commission:

Q What is your name? A Eli Bell.
Q How old are you? A Forty six years old.
Q What is your post office address? A Henry, Oklahoma.
Q Do you know a child of Chesley Starr's named Emma A Yes sir.
Q Is that child dead? A She's dead.
Q Have you a child named Cornelius? A He got a son named Cornelius
Q Did Emma die before or after Cornelius was born? A She died after Cornelius was born.
Q Do you remember when you filed on your land? Do you remember the circumstance of coming and filing? A Yes sir.
Q Was Emma living then or dead? A He said when he come to file on his land Emma was dead.
Q Did Emma die vefore the Creek land office opened or after? A She died after it opened; he said at that time when the land office opne ed some of them said they were not going to file- they didn't want to file; he said he didn't belong to that faction; he belonged to the Porter people and he come down and filed soon after the land office opened- some said he better not and some said he better- and she was living then.
Q He knows she was living when the land office opened? A Yes sir, in gathering his cattle and riding around he would go to the house where this Emma was; he said she was a little girl; he said the land office opened in April; he was in theregathering up his cattle and had rode up there to the house and he had seen her there.

The records of the Commission show that a citizenship certificate was issued to Eli Bell August 17, 1899.

An affidavit relative to the birth and death of Emma Starr and two affidavits relative to her death have heretofore been filed with the Commission and are made part of the record herein.

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Witness excused and Wiley Grayson called and sworn, testified as follows through sworn interpreter, Samuel C. Davis:

Examination by the Commission:

Q What is your name? A Wiley Grayson.
Q What is your age? A Twenty three.
Q What is your post office address? A Henry, Oklahoma.
Q Are you a step-son of Chesley Starr? A Yes sir.
Q Are you a member of his family? A Yes sir.
Q How long have you lived with him? A About 15 years.
Q Do you know a child of his named Emma? A Yes sir.
Q When did that child die? A He don't know just when.
Q Do you remember hearing the people talking about the opening of the Creek Land Office? A Yes sir.
Q Was that child living at that time or dead? A She was living after the land office opened, he says.

Henry G. Hains being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribeshe reported the above case January 20, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 22 day of January, 1904.

Edward Merrick.
Notary Public.

COPY.

D. A. 185.

Muskogee, Indian Territory, November 21, 1903.

Cheesley Starr,

Tulsa, Indian Territory.

Dear Sir:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Emma Starr who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

OCN.

B. A 155.

Muskogee, Indian Territory, December 22, 1903.

Samuel C. Davis,

Tulsa, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 15, 1903, in which you state that Chesley Starr requested you to advise the Commission he can produce the additional witnesses in the case of his child, Emma; that he understands that the Commission has made an arbitrary allotment to her; that if there has been no allotment made to her and he will be permitted to file on land for his said child near his allotment he will then be willing to appear with his witnesses.

Replying thereto you are advised that Emma Starr has not been listed for enrollment by the Commission as a citizen of the Creek Nation, and therefore no allotment of land has been made to her, nor can an allotment be selected for her at this time.

You are further advised that Chesley Starr is required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said Emma Starr for the purpose of being examined under oath relative thereto.

Respectfully,

184

IN RE
THE DEATH OF

Emma Starr

a citizen of the

Nation.

Approved 1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
July 15 1902

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Emma Starr
(Here insert name of deceased.)
a citizen of the Muskogee Nation, who formerly resided at or near
Tulsa (Here insert name of post office.), Ind. Ter., and died on the 20th day of May,
1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, Chesley Starr on oath state that I am 40 years of age and a citizen, by Blood, of the Muskogee Nation; that my post office address is Tulsa (Here insert name of post office.), Ind. Ter.; that I am Father (State relationship, as: the father; an uncle; a cousin, etc.) of Emma Starr (Here insert name of deceased.), who was a citizen, by Blood, of the Muskogee Nation; and that said Emma Starr (Here insert name of deceased.) died on the 20th day of May, 1899.

Chesley Starr

WITNESSES TO MARK. (Must be Two Witnesses.)

Subscribed and sworn to before me this 10th day of Feby 1902

Saml. C. Davis
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, Eli Bell, on oath state that I am 46 years of age, and a citizen, by Blood, of the Muskogee Nation; that my post office address is Tulsa (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Emma Starr (Here insert name of deceased.), who was a citizen, by Blood, of the Muskogee Nation; and that said Emma Starr (Here insert name of deceased.) died on the 20th day of May, 1899.

Eli Bell

WITNESSES TO MARK. (Must be Two Witnesses.)

Subscribed and sworn to before me this 10th day of Feby 1902

Saml. C. Davis
Notary Public.

94

IN RE
THE DEATH OF

Emma Starr

a citizen of the

Creek Nation.

Approved 1

Commissioner.

Filed Apr. 16" 1902

Father on Creek Card No. 3

Born May 20 - 1897

Died May 2 - 1899

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Apr 16 1902
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Emma Starr
(Here insert name of deceased.)
a citizen of the Muscogee Nation, who formerly resided at or near
Tulsa, Ind. Ter., and died on the 20 day of May,
(Here insert name of post office.)
1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Chesley Starr on oath state that I am 40 years of age and a citizen, by Birth, of the Muscogee Nation; that my post office address is Tulsa, Ind. Ter.; that I am Father of Emma Starr,
(Here insert name of post office.) (State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Blood, of the Muscogee Nation; and that said Emma Starr died on the 20 day of
(Here insert name of deceased.)
May, 1899

Chesley Starr

WITNESSES TO MARK:
(Must be Two Witnesses.) R E Lynch

Subscribed and sworn to before me this 8 day of February, 1902
Omar C. Hilton
Robert E Lynch
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Eli Bell, on oath state that I am
years of age, and a citizen, by Blood, of the Muscogee Nation;
that my post office address is Tulsa, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Emma Starr
(Here insert name of deceased.)
who was a citizen, by Blood, of the Muscogee Nation;
and that said Emma Starr died on the 20 day of
(Here insert name of deceased.)
May, 1899

Eli Bell

WITNESSES TO MARK:
(Must be Two Witnesses) R E Lynch

Subscribed and sworn to before me this 8 day of February, 1902
Robert E Lynch
Notary Public.

1535

20

IN RE

Application for Enrollment of

INFANT CHILD

Emma Starr

as a citizen of

Creek Nation.

Approved, 190

Commissioner.

Chas. Starr
on Cd 2063.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
June 7, 1901
ACTING CHAIRMAN.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Emma Starr (Here insert name of child.), born on the 20th day of May, 1897

Name of Father: Chesley Starr, a citizen of the Creek Nation.

Name of Mother: Mollie Starr, a citizen of the Creek Nation.

Post-office, Tulsa, Ind. Ter.

AFFIDAVIT OF ~~MOTHER~~ Father.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Chesley Starr, on oath state that I am 38 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful ~~wife~~ husband of Mollie Starr, deceased, who is a citizen, by blood, of the Creek Nation, that a female (male or female) child was born to me on the 20th day of May 1897, that said child has been named Emma Starr, and ~~is now living~~ died May 15, 1899

his
Chesley X Starr
mark

WITNESSES TO MARK (Must be Two Witnesses)
E Eastain
Lona Cummings

Subscribed and sworn to before me this 7th *day of* June 1901.

John L. Sieber
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Eli Bell, a neighbor, on oath state that I ~~am~~ was acquainted with Mrs. Mollie Starr, deceased, wife of Chesley Starr and knew that on the 20th day of May 1897, ~~I~~; that there was born to her on ~~said date a~~ female (male or female) child; that said child ~~is now living and is said to have been~~ was named Emma Starr, and died the 15th day of May 1899.

Eli Bell

WITNESSES TO MARK: (Must be Two Witnesses)

Subscribed and sworn to before me this 7th *day of* June 1901.

John L. Sieber
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1913

En. 419.

In the matter of the application for the enrollment of Emma Starr, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on January 20, 1904, Chesley Starr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased minor child, Emma Starr, as a citizen by blood of the Creek Nation.

The evidence shows that said Emma Starr is identified on the 1895 pay roll; that she died subsequent to April 1, 1899, and that she was a Creek by blood.

The evidence further shows that said Emma Starr was a bout nine years old at death, and that she was the child of Chesley Starr whose name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, No. 6261.

It is, therefore, the opinion of the Commission that said Emma Starr, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee,
Indian Territory,

MAR 12 1904

8.8.18

En. 419.

Muskogee, Indian Territory, February 5, 1904.

Samuel C. Davis,

Tulsa, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 1, in which it is stated that Charley Starr requested you to write and ascertain whether or not any action has been taken in the matter of the enrollment of his deceased daughter, Emma Starr.

In reply you are advised that the Commission has not yet rendered a decision in the case. When final action is had in the matter Charley Starr will be notified at his post-office address given by him in his testimony.

Respectfully,

Commissioner in Charge.

No. 419.

Muskogee, Indian Territory, March 15, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of [redacted] Starr, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said [redacted] Starr will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGH-3-15-3.

No. 419

Muskogee, Indian Territory, May 28, 1904.

Chesley Starr,

Henry, Oklahoma. Territory.

Dear Sir:

You are advised that the name of your minor child, Anna Starr, deceased, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 420

CR EN 420

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. JAN. 20, 1904.

In the matter of the application for the enrollment of Clara Patrick as a citizen by blood of the Creek Nation.

Clara Patrick being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Clara Patrick.
Q How old are you? A Twenty eight.
Q What is your post office address? A Twine, I.T.
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes sir.
Q What is the name of your father? A Anderson Lockhart.
Q Is he living or dead? A I don't know.
Q Do you claim that he was a citizen of the Creek Nation? A No sir
Q Was he a citizen of any tribe in Indian Territory? A Not as I knows of.
Q What is the name of your mother? A Patsy Haynes when she died; she's dead.
Q How long has she been dead? A About 5 years I guess.
Q Where did she live at the time of her death? A Chambers County, Texas.
Q How long did she live in Texas? A I don't know.
Q You don't claim to be a full blood Creek Indian? A No sir.
Q Where do you live? A In Black Jack.
Q Is that in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Three years.
Q Where did you live before that? A Oklahoma.
Q How long did you live in Oklahoma? A One year.
Q Where did you live before that? A Galveston Texas.
Q How long did you live in Texas? A About 25 years.
Q Were you born in Texas? A Yes sir.
Q Did you live in Texas till you went to Oklahoma? A Yes sir.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q Was any money ever drawn from the Creek Nation for you? A No sir not as I knows.
Q To what town in the Creek Nation do you claim to belong? A Twine; no, Muskogee.

The tribal rolls of the Creek Nation in the possession of the Commission examined and the names of the applicant and her mother, nor either of them, found thereon.

Q Were you ever admitted to citizenship in the Creek Nation by the Creek tribal authorities? A Yes sir.
Q When? A Since I have been here.
Q The Creek tribal authorities? The Creek council or anything like that? A Yes sir, Mr. Perryman.
Q Well, Mr. Perryman is not the Creek council. A Well, then, Robert Manuel; don't he belong to the Creek Council?

The records of the Creek Nation in the possession of the Commission examined and it does not appear that either the applicant or her mother has ever been admitted to citizenship in the Creek Nation by the authorities thereof.

Q Did you ever come before this Commission before now A No sir.

The list of appliqants for citizenship in the Creek Nation under the act June 10, 1896 (29 Stats., 321) examined and it does not appear that either the applicant or her mother were applicants for citizenship under said act.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case January 20, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 22 day of January, 1904.

Edward Merrick.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

En. 420.

In the matter of the application for the enrollment of Clara Patrick as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on January 20, 1904, Clara Patrick appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation.

The evidence shows that said Clara Patrick was twenty-eight years old at the date of the application herein, and that she is not a full blood Creek Indian.

It does not appear that the applicant is identified on any tribal roll of the Creek Nation in possession of the Commission, neither does it appear that she has ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It is, therefore, the opinion of this Commission that Clara Patrick is not entitled to enrollment as a citizen by blood of the Creek Nation as provided by the acts of Congress, June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902, (32 Stats., 500), or either of said acts, and that the application for her enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee,
Indian Territory,

MAR 12 1904

1 1885

(Copy) Creek No. 490.

Muskogee, Indian Territory, March 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Clara Patrick as a citizen by blood of the Creek Nation, including the decision of the Commission, dated March 12, 1904, denying said application.

Respectfully,

(signed) T.B.Needles

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

RGH-314-16.

1

2875

Cr. En. 420.

Muskogee, Indian Territory, March 14, 1904.

Clara Patrick,

Twins, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for your enrollment as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

[illegible].

1 2815

Cr. En. 480.

Muskogee, Indian Territory, March 24, 1904.

A.P.Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Clara Patrick as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case in this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

WCT-[illegible]-17.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 11, 1904.

LAND
18807/1904

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated March 14, 1904, transmitting the record in the matter of the application of Matthew F. Yeager for enrollment as a citizen by blood of the Creek Nation.

The evidence shows that this applicant is not a full-blood Creek Indian, and that he has never been admitted to citizenship in the Creek Nation by the tribal authorities, the Commission or the United States Court. He claims his mother was of Creek blood, his father, the record shows, is a white man.

In view of the record the applicant is not, under existing law, entitled to enrollment as a citizen by blood of the Creek Nation, and the approval of the Commission's decision of March 12, 1904, adverse to him is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

GAW-H

COPY

DEPARTMENT OF THE INTERIOR,

I.T.D. 3126-1904. Washington, May 6, 1904.

WCF
FILE
J.P.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 14,,1904, you transmitted the record in the matter of the application for the enrollment of Matthew F. Yeager as a citizen by blood of the Creek Nation, including your decision of March 12, 1904, denying said application.

Reporting in the matter April 11, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Creek En. 480.

Muskogee, Indian Territory, May 14, 1904.

Clara Patrick,

Twine, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of May 6, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 12, 1904, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Recorder.

Copy.

Creek En. 480

Muskogee, Indian Territory, May 14, 1904.

Thomas, Harrison & Foreman,

Attorneys for Clara Patrick,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of May 6, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 18, 1904, denying the application of Clara Patrick for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

COPY.

Creek En. 420.

Muskogee, Indian Territory, May 14, 1904.

Honorable P. Porter,
Principal Chief Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior under date of May 6, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 12, 1904, denying the application of Clara Patrick for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application for the enrollment of Wala Pelican as a citizen of the Creek Nation.

January [illegible] 19[illegible]

Thomas Harrison [illegible] Forman
by [illegible]

CR EN 421

CR EN 421

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JAN. 20, 1904.

In the matter of the application for the enrollment of Ellen Bouggous, et al., as citizens by blood of the Creek Nation.

Ellen Bouggous being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ellen Bouggous.
Q How old are you? A I will be 38 years old this coming October.
Q What is your post office address? A Krebs, No.5.
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes sir.
Q Do you reside in the Choctaw Nation? A I am living in the Choctaw Nation now on account of my children working in the mines.
Q How long have you lived in the Indian Territory? A About 12 years.
Q Where did you live before that? A In Texas.
Q Did you live in Texas all your life prior to the time you came to the Territory? A Yes sir.
Q What degree of Creek blood do you claim? A I can't tell you.
Q Well, about? You don't claim to be a full blood? A No sir, I don't claim that.
Q Have you ever drawn any money from the Creek Nation? A No sir, I haven't. For I wasn't here in time.
Q Does your name appear on any of the Creek tribal rolls? A I can't understand it.
Q Is your name on the Creek roll? A No sir, I don't think it is; unless George Turner put it there; he had my papers here.
Q When was that? A Its been about six years ago.
Q Were you ever admitted to citizenship in the Creek Nation by the Creek tribal authorities? A No sir.
Q Were you ever admitted to citizenship in the Creek Nation by this Commission? A No sir, not unless my papers was lost- they was here before you all twice before this time; they was before the Dawes, for I come right here and signed them in the office.
Q What name did you sign at that time? A I was a widow then; I signed Ellen Banks, and my five childrens' names was on the papers and left here in the office.
Q Do you make application also for the enrollment of some children? A Yes sir; I have five living; I have one dead.
Q Are they all living? A Yes sir.
Q What is the name of the oldest one living? A Melissa Davis now, was Banks; she is twenty one.
Q Next? A Ellen McBride.
Q How old is she? A Sixteen.
Q Is he married? A Yes sir and got one child.
Q Next? A Winston Banks, fifteen.
Q Next? A Albert Banks; fourteen.
Q Any other? A A little girl- Ada Banks, ten.

Q What is the name of the father of these children? A Winston Banks, lawyer Banks; he practised right here in Muskogee; he is now living in Weweka.
Q Do you make any claim that he is a citizen of the Creek Nation? A No sir.
Q Do you claim that he is a citizen of any tribe in Indian Territory A No sir.
Q He is a citizen of the United States? A Well, he is mixed with the Cherokee blood but he don't hold any claim to the right; he said he didn't have it.

The records of the Commission examined and it appears that on September 9, 1896, the applicant herein filed her application for citizenship in the Creek Nation under the act of June 10, 1896, (29 Stats., 321), No. 58; that there were included in said application, Ada, Roseline; Albert F., Ellen Portea, Melissa, Lela and Winston Banks. That the application was denied and that no appeal was taken therefrom.

The tribal rolls for the Creek Nation in the possession of the Commission examined and none of the applicants herein identified thereon. The records are further examined and it does not appear that any of the applicants herein have ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case January 20, 1904, and that this is a full, true and correct transcript of his stenographic notes insame.

Henry G. Hains.

Subscribed and sworn to before me this 22 day of January, 1904.

Edward Merrick.
Notary Public.

En. 421.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ellen Bouggous, Melissa Davis, Ellen McBride, Winston Banks, Albert Banks and Ada Banks as citizens by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on January 20, 1904, Ellen Bouggous appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of herself and her children, Melissa Davis, Ellen McBride, Winston Banks, Albert Banks and Ada Banks, as citizens by blood of the Creek Nation.

The evidence shows that none of the applicants are full blood Creek Indians.

It does not appear that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It appears that application was made to this Commission for the admission of all the applicants herein to citizenship in the Creek Nation under the provisions of the act of Congress, June 10, 1896 (29 Stats., 321); that the application was denied, and that no appeal was taken from the decision rendered therein.

It is the opinion of the Commission that Ellen Bouggous, Melissa Davis, Ellen McBride, Winston Banks, Albert Banks and Ada Banks are not entitled to enrollment as citizens by blood of the Creek Nation as provided by the acts of Congress, June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), or either of said acts, and that the application for their enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

MAR 17 1904

3813

No. 421.

Muskogee, Indian Territory, March 18, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission in the matter of the application for the enrollment of Ellen Bougeous, et al., as citizens of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HGH-3-18-23.

J.W.3

En. 421

Muskogee, Indian Territory, March 18, 1904.

Ellen Bouggous,

Krebs (No.5), Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ellen Bouggous et al., as citizens of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register

HGH-3-18-24.

JJB

Creek En. 421.

Muskogee, Indian Territory, March 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Ellen Bouggous et al., as citizens of the Creek Nation, including the decision of the Commission, dated March 17, 1904, denying said application.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

HGH-3-18-25.

8.8.3

creek en. 421

Muskogee, Indian Territory, May 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

May 20, 1904, the Department referred to the Commission a letter from Ellen Bouggous relative to her application for enrollment as a citizen of the Creek Nation.

The Commission has the honor to report that the application of said Ellen Bouggous for the enrollment of herself and her five children was denied by the Commission March 17, 1904, and that the record in the case was transmitted to the Department March 18, 1904.

A copy of the decision was transmitted to the applicant on the same day and her receipt for the same is now on file with the Commission. The Commission is not advised of any further action having been taken in the case.

The letter from Ellen Bouggous to the Department is herewith returned.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

E.H.H-a25.

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

19424-1904.

WASHINGTON, October 13, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 18, 1904, transmitting the record of the application for the enrollment as citizens by blood of the Creek Nation by Ellen Buggous for herself and her children, Melissa Davis, Ellen McBride, Winston Banks, Albert Banks, and Ada Banks.

March 17, 1904, the Commission decided adversely to all the applicants.

The record shows that none of the applicants is a full blood Creek Indian.

It does not appear that any of the applicants have been recognized, enrolled or admitted to citizenship by the Creek Nation or by the United States. It does appear that all of the applicants made application to the Commission to the Five Civilized Tribes on September 9, 1896, (29 Stats., 32), No.58; that there were included in said application Ada, Rosaline, Albert F., Ellen Portea, Melissa, Lela and Winston Banks; that the application was denied and that no appeal was taken therefrom.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.K.
W.

I.T.D.10526-1904. DEPARTMENT OF THE INTERIOR FHR J.P
L.R.S. WASHINGTON October 20, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

March 18, 1904, you transmitted the record in the matter of the application of Ellen Buggous for the enrollment of herself and her children, Melissa Davis, Ellen McBride, Winston Banks, Albert Banks and Ada Banks, as citizens of the Creek Nation, including your decision of March 17, 1904, denying said application.

Reporting in the matter October 13, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully

(Signed) Thos.Ryan
Acting Secretary.

1 inclosure.

Mn.421.

Muskogee, Indian Territory, October 28, 1904.

M. L. Mott,

Attorney, Creek Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 20, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 17, 1904, denying the application of Ellen Baggous for the enrollment of herself and children, Melissa Davis, Ellen McBride, Winston Banks, Albert Banks and Ada Banks as citizens of the Creek Nation.

Respectfully,

Chairman.

Ex-421.

Muskogee, Indian Territory, October 26,1904.

Ellen Duggeus,

Krebs No.5, Indian Territory,

Madam:

You are hereby advised that the Secretary of the Interior, under date of October 20, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 17, 1904, denying the application for the enrollment of yourself and children, Melissa Davis, Ellen McMinn, Winston Banks, Albert Banks and Ada Banks, as citizens of the Creek Nation.

Respectfully,

Chairman.

Registered.

(10230)

Banks, W.T.,
Weleetka, I.T.,
Creek Nation,
May 22,1906.

Asks how to obtain a trial in Creek citizenship case of Ellen Banks et al.

R. S. CHILDERS
ATTORNEY AT LAW
Land Agent and Surveyor

McAlester, Ind. Ter., July the 24th 1906

Commissioner to the Five Tribes,

Muskogee Indian Territory

My Dear Sir.

I should be pleased to be advised what if anything has been done with the case of Allen Boughous or Banks applicant for enrollment as a citizen of the Creek Tribe of Indians in the Indian Territory..

Also the Case of the application of the case of Sam Lee as a Choctaw Freedman, also the case of Minnie Franklin and others as citizens Freedmen of the Chickasaw Nation, And should like to be advised if the Secretary of the Interior has yet passed upon the Application of Thomas Bruton as a Citizen by intermarriage of the Choctaw Nation.

Also if the Secretary of the Interior has yet passed on the Application of Joseph Nomeriof as a Mississippi Choctaw Indian.

Yours Very Truly.

R. S. Childers

INDEXED

COMMISSIONER TO FIVE TRIBES

No. 31208 Received JUL 25 1906 Book

Coleman, R. B.
South McAlester, I.T.,
Choctaw Nation,
July 23, 1906.

Asks status of certain enrollment cases.

Ellen Bunton Bourland

17417
19-1365
9-5987

THE CANADIAN VALLEY ELECTRIC AND POWER GENERATING CO.
CHARLES DE WATTEVILLE,
PRESIDENT & GENERAL MANAGER,
KANSAS CITY, MO.

Wellsville N.Y.
May 22nd 1906

Hon. Frank Bixby
Chairman Water Commission
Muskegon Mich.

Dear Sir

In regard to citizenship case of Ellen Banks et al, which was before the Commission in 1896. and at that time decided against said claimants. been reopened by petition of their attorney Richard B. Calhoun of Muskegon. He told the claimants that he had filed such papers for a hearing before the Commission, but as he filed such in Feb 1906. and since the passage of late Curtis act, would be necessary to file new affidavits and petition for a re-hearing under such

rules as you may lay down? 2. The Court can be required did trial on its merits. 2 would aid Mr Calloway in the trial of the same as 2 know the claimants are real citizens by blood. and 2 believe, should be enrolled. Please write me how, what is necessary to be done to get a trial of the case before the Commission? and send me the necessary blanks to be filled out. 2 am yours Very truly

W. T. Banks

Wetumka, I. T.

COPY

DEPARTMENT OF THE INTERIOR,
Refer in reply to the following
Land
28452-1906

OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of March 29, 1906, from R.B.Coleman, attorney at law, McAlester, Indian Territory, who submits a motion for a rehearing in the case of Ellen (Banks) Bouggous for the transfer of the names of herself and her family from the roll of Creek freedmen to the roll of citizens by blood of the Creek Nation.

The petition is based on the ground that Mrs. Bouggous has no negro blood in her veins; neither have any of her family and while being enrolled as freedmen, they will secure as much land as though their names appeared upon the roll by blood, she considers it a great humiliation to be classified as of negro blood and asks that a rehearing be had in order that proof may be submitted to show that there is no justification for placing the names of the members of the family on the roll of Creek freedmen.

The original record in this case has been mislaid in the Office and cannot be forwarded for consideration in connection with the motion, but since all enrollments must be completed by March 4th, 1907, there is no time in which to make an investigation into the question of the blood of Mrs Bouggous, and it is therefore recommended that the application be denied.

Very respectfully,

C. F. Larrabee
Acting Commissioner

EBH Y

DEPARTMENT OF THE INTERIOR,
WASHINGTON, March 1, 1907. CRW FHE

I.T.D.6396-1907.

LHS
DIRECT

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion for rehearing in the matter of the petition of Ellen (Banks) Bouggous for the transfer of the names of herself and her family from the roll of Creek freedmen to the roll of citizens by blood of the Creek Nation, received with Indian Office letter of February 26, 1907(Land 28462-06), copy inclosed has been denied, in accordance with the Indian Office recommendation, and in view of the limited time allowed by the provision in section 2 of the act of April 26, 1906 (34 Stat 137) relative to the completion of the rolls of the Five Civilized Tribes.

A copy hereof and the papers in the matter have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson
Assistant Secretary

1 inc and 2 for IndOf
A F Mc

Cr. No. 482.

Muskogee, Indian Territory, March 25, 1907.

M. L. Mott,
Attorney for Creek Nation.
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of March 1, 1907, denied the motion for rehearing filed with it in the matter of the application of Willem Bruggeus, et al, for enrollment as citizens of the Creek Nation.

Respectfully,

Commissioner.

Cr.En. 421

Muskogee, Indian Territory, March 15, 1907.

R. B. Coleman,
Attorney at Law.
McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of March 1, 1907, denied the motion for rehearing filed with it in the matter of the application of Ellen Beuggous, et al, for enrollment as citizens of the Creek Nation.

Respectfully,

Commissioner.

Cr.No. 421

Muskogee, Indian Territory, March 15, 1907.

Ellen Beuggous,

Kreba, (No. 5), Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of March 1, 1907 denied the motion for rehearing filed with it in the matter of the application of Ellen Beuggous, et al, for enrollment as citizens of the Creek Nation.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JAN. 23, 1906.

In the matter of the application for the enrollment of Jim Brown as a citizen by blood of the Creek Nation.

Hannah Brown being duly sworn testified as follows through Larry Brown, sworn interpreter:

Examination by the Commission:

Q What is your name? A Hannah.
Q Is your Euchee name "You cense con thlany"? A Yes sir.
Q How old are you? A She don't know how old she is.
Q What is your post office address? A Mounds.

Witness appears to be about 25 years old.

Q Do you make application for enrollment as a citizen by blood of the Creek Nation of Jim Brown? A Yes sir.
Q Is he living or dead? A Dead.
Q What is the name of his father? A Co don ny.
Q Are you his mother? A Yes sir.
Q Is your English name Hannah Brown? A Yes sir.
Q Is the English name of the child's father, Co don ny Brown? A Yes sir.
Q How old was Jim Brown when he died? A Don't know.

The father and mother of Jim Brown are identified on the partial list of citizens by blood of the Creek Nation approved by the Department March 28, 1902, approved Roll Nos. 8593 and 8594, respectively.

Q Could he walk? A No.
Q Could he talk? A No.
Q Was he as much as a year old when he died? A (No answer.)
Q Is he your oldest child? A Yes sir.
Q Is this your child you have here with you? A Yes sir.
Q How old is this child? A Two.
Q How long had Jim Brown been dead when this child was born? A She don't know.

Witness excused, and Co don ny called and sworn, testified as follows through sworn interpreter, Larry Brown:

Examination by the Commission:

Q What is your name? A Co don ny.
Q Are you the father of Jim Brown? A Yes sir.
Q How old was Jim Brown when he died? A Pretty near a year old.
Q When was he born? A Born along in November.
Q What year? A Along in '99 somewhere.
Q Do you remember hearing the opening of the Creek land office?
A Yes sir.

Q Was Jim Brown born before the Creek land office opened or after?
A After the land office opened.
Q How many months old was he when he died? A I don't hardly know.
Q How long after the land office opened was it until Jim was born?
A About a year.
Q Did you come to the land office and file on your land? A Yes sir.
Q Was Jim living then or not? A He was born right after he got home

The records of the Commission show that a citizenship certificate was issued to Co den ny March 26, 1900.

Q Do you know how many months there are in a year? A Don't know.

Excused and Larry Brown called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Larry Brown.
Q How old are you? A Thirty four.
Q What is your post office address? A Olive.
Q Do you know Jim Brown child of Co den ny? A Yes sir.
Q Do you know when that child was born? A I don't know when it was born; he was ever here at Mounds; he lived with me when he come back home and died there.
Q About how old was that child when he died? A I don't know how old; he was a pretty small child.
Q Was he as much as a year old? A No he wasn't.
Q About how many months old was he? A I can't tell you.
Q Was this child born after the Creek Land Office opened? A Yes sir
Q Here is an affidavit executed by you in which you say that that child died on the 13th day of February, 1900. A He died February 13; I know when he died but I don't know when he was born. I did put it down in a book and lost the book; the child wasn't more than five months old when he died.
Q Are you certain the child died on February 13, 1900? A Yes sir; that's the date of his death.
Q And it wasn't more than four or five months old at the time of its death? A That's all.

Affidavits relative to the birth and death of Jim Brown have heretofore been filed with the Commission and the same are made part of the record herein.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case January 21, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 22nd day of January, 1904.

Edward Merrick
Notary Public.

22.

IN RE
THE DEATH OF

Jim Brown

a citizen of the

Nation.

Approved 1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Oct 10, 1901

CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jim Brown (Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Kellyville (Here insert name of post office.), Ind. Ter., and died on the 13 day of February,
1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY.)
Northern District. }

I, Co-tanney Brown on oath state that I am 29
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Kellyville (Here insert name of post office.), Ind. Ter.; that I am
father (State relationship, as: the father; an uncle; a cousin, etc.) of Jim Brown (Here insert name of deceased.),
who was a citizen, by blood, of the Creek Nation;
and that said Jim Brown (Here insert name of deceased.) died on the 13 day of
February, 1900 (SIGNED) his Co-tan-ney X Brown mark

WITNESSES TO MARK:
(SIGNED) Martin Cheestah
(Must be Two Witnesses.) (SIGNED) W H Angell

Seal

Subscribed and sworn to before me this 8 *day of* October, 1901.

(SIGNED) William T. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY.)
Northern District. }

I, Larry Brown, on oath state that I am 31
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Kellyville (Here insert name of post office.) Ind. Ter.;
that I was ~~personally acquainted with~~ well acquainted with Jim Brown (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Jim Brown (Here insert name of deceased.) died on the 13 day of
February, 1900.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Seal

Subscribed and sworn to before me this 8 *day of* October 1901.

(SIGNED) William T. Martin
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Gin Brown

as a citizen of

.....Nation.

Approved .....190 .....

.....

Commissoner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
October 10. 1901

COPY.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Jim Brown (Here insert name of child), born on the 22 day of December, 1898.

Name of Father: Cotanney Brown, a citizen of the Creek Nation.

Name of Mother: Hannah Brown, a citizen of the Creek Nation.

Post-office: Kellyville I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Southern District. }

I, Co-tan-ney Brown, on oath state that I am 29 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful ~~wife~~ husband of Hannah Brown, who is a citizen, by blood, of the Creek Nation; that a male (Male or female) child was born to ~~me~~ on 22 day of December 1898; that said child has been named Jim Brown, ~~and is now living.~~

his
Co-tan-ney × Brown
Mark

WITNESSES TO MARK:

{ Must be Two Witnesses. } Martin Checotah
W. H. Angell

Subscribed and sworn to before me this 8 day of October 1901

William T. Martin
NOTARY PUBLIC.

Seal

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Muskogee District. }

I, Hardin Brown, a Creek Citizen by blood, 284 Census Page, on oath state that I attended on Mrs. Hannah Brown, wife of Cotanney Brown, on the 22 day of December, 1898; that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now living and is said to have been named Jim Brown

his
Hardin × Brown
Mark

WITNESSES TO MARK:

{ Must be Two Witnesses } Martin Checotah
W. H. Angell

Subscribed and sworn to before me this 8 day of October 1901

William T. Martin
NOTARY PUBLIC.

Seal

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

JJB

En. 423.

In the matter of the application for the enrollment of Jim Brown, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on January 21, 1904, Hannah Brown (or You-conee-con-thlanay), appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased child, Jim Brown, as a citizen by blood of the Creek Nation.

The evidence shows that said Jim Brown was born subsequent to April 1, 1899, and died prior to July 1, 1900.

It is the opinion of the Commission that Jim Brown is not entitled to enrollment as a citizen by blood of the Creek Nation according to the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and that the application for his enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breedlove

Commissioner.

W E Stanley

Commissioner.

Dated at Muskogee, I.T.

MAR 17 1904

8.818

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

No. 422.

Muskogee, Indian Territory, March 18, 1904.

Hannah Brown,

Mounds, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jim Brown as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Bredinridge

Commissioner in Charge.

Register.

HGR-3-18-29.

8315

No. 422.

Muskogee, Indian Territory, March 18, 1926.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission in the matter of the application for the enrollment of Jim Brown as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

NGH-3-18-26.

Creek En. 422.

Muskogee, Indian Territory, March 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Jim Brown as a citizen by blood of the Creek Nation, including the decision of the Commission, dated March 17, 1904, denying said application.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

MGK-3-18-31.

Land

1906-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 18, 1904, transmitting the record of the application for the enrollment as a citizen by blood of the Creek Nation by Hannah Brown (or Yon-cone-con-thlanay) for her deceased child, Jim Brown.

March 17, 1904, the Commission decided adversely to the applicant.

The record shows that Jim Brown was born subsequent to April 1, 1899, and died prior to July 1, 1900.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.M.

W.

DEPARTMENT OF THE INTERIOR THE J.P.

I.T.D.10456-1904. WASHINGTON October 20, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 18, 1904, you transmitted the record in the matter of the application of Hannah Brown for the enrollment of her deceased child, Jim Brown, as a citizen by blood of the Creek Nation, including your decision of March 17, 1904, denying said application.

Reporting in the matter October 12, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

Commissioners:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Refer in reply to the following:
Ea,-422

Muskogee, Indian Territory, October 28, 1904.

Hannah Brown,
Mounds, Indian Territory.

Madam:

You are hereby advised that the Secretary of the Interior, under date of October 20, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 17, 1904, denying your application for the enrollment of your deceased child Jim Brown, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Registered.

No. 482.

Muskogee, Indian Territory, October 20, 1904.

E. L. Watts,

Attorney, Creek Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 20, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 17, 1904, denying the application of Hannah Brown for the enrollment of her deceased child Jim Brown, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JAN. 22, 1904.

In the matter of the application for the enrollment of Robert and Lillie Marshall as citizens Creek Freedmen.

APPEARANCE: A.P.Murphy, att'y for Creek Nation.

Ella Marshall being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ella Marshall.
Q How old are you? A Thirty two.
Q What is your post office address? A Muskogee.
Q For whom do you now make application for enrollment? A A girl and boy; Robert and Lillie Marshall.
Q How old is Robert? A Nine.
Q How old is Lillie? A Going on six.
Q Are you the mother of these children? A Yes sir.
Q What is the name of their father? A Budkin Marshall.
Q Is he a citizen of the Creek Nation? A Yes sir.
Q Are you? A No sir.
Q Do you claim to be a citizen of any Nation in Indian Territory?
A No sir.
Q To what town in the Creek Nation does Budkin Marshall belong?
A I don't know sah.
Q What is the name of his father A William Marshall.

The records of the Commission examined and Budkin Marshall is identified on Creek Freedman card Field No. 1[illegible] and his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior, March 28, 1902, [illegible] 597.

Q Are you the wife of Budkin Marshall? A I was when I had these children; I aint now.
Q Were you legally married to him? A Yes sir.
Q Where? A At Ft. Smith.
Q Did you have a marriage license? A Yes sir.
Q Were you married by an officer or a preacher? A Preacher.
Q Have you the marriage license? A No sir.

The witness is advised that it will be necessary for her to file with the Commission the original marriage license or duly certified copy thereof.

Q Was any money ever drawn in the Creek Nation for Robert Marshall this boy of yours? A I don't know only what I heard they said there was.

The 1895 payroll of the Creek Nation examined and Budkin Marshall identified thereon at No. 1289; neither of the children herein applied for are identified on that roll, nor are they identified on the 1895 omitted roll.

Q Why is it that you have waited so long to apply for the enrollment of these children? A I thought you could do that most any time; I didn't know just exactly what to do.
Q Are you and Budkin Marshall separated? A When he went away to the pen I never lived with him any more.
Q When was it he went to the pen? A It has been a good long time; its about two or three days before that girl came.
Q Did you live with him until after the child, Lillie was born?
A Yes sir.
Q Was this child Robert born after you were married to him? A Yes.

Examination by Mr. Murphy:

Q How long after you were married before the boy was born? A About two or three months.
Q What year was that? A I don't know sir.
Q Where is the girl? A She's home.
Q In what year was she born? A I can't tell you that; I don't know neither one.
Q You don't know whether she is six years old or not them? A Yes sir, she's around six.
Q What year was it he went to the pen? A I don't know that; its been so long.
Q Where did he go from? A Muskogee here; he did it up at Wagoner.
Q Is he still in the pen? A No sir.
Q Where is he now? A Over there on the river.
Q Is he married again? A Yes sir, they say so.
Q Was he ever divorced? A No sir.
Q When did he marry again? A Its been about two or three years ago; he has got two children good sized now.
Q Where is he living? In the Cherokee Nation? A No sir, over there in the Creek Nation on his place, between the two rivers.

-- --

Henry G. Maines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case January 22, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Maines.

Subscribed and sworn to before me this 22nd day of January, 1904.

Edward Merrick
Notary Public.

En. 443.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. FEB. 4, 1904.

In the matter of the application for the enrollment of Robert and Lillie Marshall as Creek Freedmen.

Douglas Perryman being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Douglas Perryman.
Q How old are you? A About 60 I guess.
Q What is your postoffice address? A Muskogee.
Q Do you know Lila Marshall? A Yes sir.
Q Was she ever married to Budkin Marshall? A Yes sir.
Q They lived together as man and wife, did they? A Yes sir.
Q Did they have some children during the time they lived together as man and wife? A Yes sir.
Q What was the name of those children? A One is Robert Marshall. Named after Robert Marshall across the river.
Q What is the name of the girl? A I don't remember it but I know the children well.
Q Were these two children born to them during the time they were living together as man and wife? A Yes sir.
Q Budkin Marshall was sent to the penitentiary, was he? A Yes sir.
Q Both of these children were born before he went to the penitentiary? A Yes sir.
Q Now, you state what you told the mother of the children, if anything, about applying to have them enrolled. A What I told the father too?
Q Yes. A When the Dawes Commission first opened up I asked him did he enroll the children, and he said no.
Q That's referring to these two children? A Yes sir; he said no; and I asked him why don't you and he said they had need of the marriage certificate, had to have it, and I said there is a way to get that: well, he said you get him for me, and I written to Ft. Smith and in about a week received it, sent for him and turned it over; to him and told him to enroll the children. Then I went off into the Chickasaw nation at the time I was working for the Commission and I come back and asked him did you enroll these children and he said yes, enrolled them and filed on his land; and sometime after that I seed the children roving around and I said "Bud, why don't you put those children in school ?" and he said "I am". Sometime after I seed him down at the jail; the mother got into a little trouble and she had to go down there and here come the two little children, and I said: "Why, don't you put these children in school?" and she said the father won't buy them clothes, and I said: "You just get a guardian for those children and put them in school"; and then they just kept going on, and I said: "I will go with you before the Dawes Commission and we will appoint a guardian for these children"; and that's the reason they was before the Dawes Commission before I came
Q And you said Budkin told you he had filed for those children?
A Yes sir, he told me I enrolled the children and filed for them; That's the reason I pushed him so hard to buy clothes for the children.

There is filed with the Commission a certified copy of marriage license issued by the County Clerk of Sebastian County, Arkansas, authorizing the marriage of Bud Marshall and Nellie Austin, said license having been issued February 12, 1890.
It appears that the parties therein named were duly joined in marriage February 13, 1890, as appears from the certificate thereto attached.
The same is made part of the record herein.

Henry C. Mains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 4, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Mains.

Subscribed and sworn to before me this 4th day of February, 1904.

Notary Public.

4875

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert and Lillie Marshall as Creek freedmen.

D E C I S I O N.

The record in this case shows that on January 22, 1904, Ella Marshall appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her two minor children, Robert and Lillie Marshall, as Creek freedmen. Further proceedings were had February 4, 1904.

The evidence shows that said Robert and Lillie Marshall are the minor children of Budkin Marshall whose name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior, March 28, 1902, number 4597, and Ella Marshall, a citizen of the United States; that said minor children were born prior to July 1, 1900, and were living at the date of the application herein.

It is, therefore, the opinion of the Commission that Robert Marshall and Lillie Marshall should be enrolled as Creek freedmen in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 16 1904.

Dft

En. 423.

Muskogee, Indian Territory, March 18, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission in the matter of the application for the enrollment of Robert and Lillie Marshall as Creek freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Robert and Lillie Marshall will be regularly listed for enrollment as Creek freedmen.

Respectfully,

Commissioner in Charge.

WGM-3-18-14.

[redacted]

[redacted]

[redacted],

Muskogee, Indian Territory.

Dear Madam:

You are advised that the names of your minor children, Robert and Lillie Marshall, are contained in the partial list of Creek freedmen, approved by the Secretary of the Interior May 31, 1906, and that application for selection of land in the Creek Nation may now be made for said children at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

[redacted]

Transcript A

Marriage License

Mr. Bird Marshall

TO

Miss Nellie Austin

NOTE.—This License, with Certificate duly executed and officially signed, must be returned to the office from whence it was issued within sixty days from the date of License, under penalty of forfeiture of the Bond. No minister of the Gospel is authorised to solemnise the rites of matrimony until he shall have his license or credentials recorded in some county in the State. He should then fill out the above blank certificate.

Filed for record this ..... day

of ..... 190....

..... Clerk.

By ..... D. C.

Marriage License

STATE OF ARKANSAS
COUNTY OF SEBASTIAN
FORT SMITH DISTRICT

To Any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. Bud Marshall of ~~~~ in the County of Sebastian State of Arkansas, aged Twenty seven years, and Miss Nellie Austin of ~~~~ in the County of Sebastian State of Arkansas aged Eighteen years, according to Law, and do you officially sign and return this License to the parties herein named.

Witness my hand and official seal this 12th day of February 1890 A.D.

Jesse A Bell
COUNTY CLERK

Seal

BY Jno V McClure
DEPUTY CLERK

Certificate of Marriage

STATE OF ARKANSAS
County of Sebastian

I, H M McMillan, do hereby certify that on the 13th day of February 1890 A.D. I did, duly and according to Law, as commanded in the foregoing License, solemnize the rite and publish the bans of Matrimony between the parties therein named.

Witness my hand this 13th day of February 1890 A.D.

H M McMillan

My credentials are recorded in Recorder's office of Franklin County, Ark

CERTIFICATE OF RECORD

STATE OF ARKANSAS }
COUNTY OF SEBASTIAN }
FORT SMITH DISTRICT }

I, T. N. REED, Clerk of the County Court of said County, certify that the above license for and certificate of marriage of Mr. Bud Marshall and Miss Nellie Austin were on the 14th day of February 1890, filed in my office and the same are now duly recorded on page 133 of Book "D" of Marriage Records.

Witness my hand and the Seal of said County, this 14th day of February 1890.

(Seal)

Jesse A Bell Clerk

By Jno W McClure D. C.

State of Arkansas
County of Sebastian

I T N Reed County clerk within and for the County and state aforesaid do hereby certify that the within and foregoing is a full true and complete transcript of the marriage license and certificate of marriage of Bud Marshall and Nellie Austin with the endorsements thereon as the same appears of record in my office at page 133, of Record book "D" for marriages.

Witness my hand and official seal at my office in Fort Smith this 2nd day of February 1904

T N Reed Clerk
By Jno W McClure D.C.

Transcript
Marriage License

Mr. Bud Marshall
TO
Miss Nellie Austin

NOTE.—This License, with Certificate [illegible]

Filed for record the .... day
of .... 19....
.... Clerk
By .... D. C.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application for the enrollment of Robert and Tillie Marshall as Creek Freedmen.

[illegible] 1904

A. P. Marshall

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
[redacted], I.T. JAN. 27, 1904.

In the matter of the application for the enrollment of Adneta Edwards [illegible] minor children, Edward, Lizzie, Will, Frank, Virginia and Ettie Coleman, as Creek Freedmen.

APPEARANCE: N.C.Reed, Agent for applicants:

Adneta Edwards being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Adneta Edwards.
Q How old are you? A About 35 or 36 years old.
Q What is your post office address? A Denison Texas; 614 Sears St.
Q Do you live in Texas? A Yes sir.
Q How long have you lived there? A All the while except two years have been living here off and on with my father; I haven't been living in Denison quite a year, but I have been in Texas.
Q Were you born in Texas? A Yes sir.
Q When was it you lived here with your father? A I was here last year and the year before that.
Q What is the name of your father? A Mike McIntosh.
Q Is he a citizen of the Creek Nation? A Yes sir.

Commission

Records of the Creek Nation examined and it appears that Mike McIntosh is identified on Creek Freedman Card Field No. 826, approved roll No. 783.

The Creek Law Book compiled by A.B.McKellop under the act of the Creek National council October 15, 1892 examined and on page 103 it appears that Mike McIntosh was admitted to citizenship in the Creek Nation October 30, 1883.

Q What is the name of your mother? A Virginia McIntosh.
Q Is she living or dead? A Dead.
Q How long has she been dead? A Died when I was small.
Q Did she die in Texas? A Yes sir.
Q Do you know when she went to Texas? A Told me she was sold from here to Texas; I don't know when.
Q Sold from the Creek Nation? A Yes sir.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q Was any money ever drawn for you from the Creek Nation? A No sir, not as I knows of.
Q Were you ever admitted to citizenship in the Creek Nation by the Creek authorities? A No sir.

Records of the Creek Nation in the possession of the Commission examined and it does not appear that the applicant was ever admitted to citizenship in said Nation by the Creek tribal authorities.

Q Did you ever make application for admission to citizenship in the Creek Nation to this Commission? A No sir.
Q Were you ever married more than once? A Yes, twice.
Q What was your name before it was Edwards? A Coleman. I have some children by him.
Q What are the names of the children for whom you wish to apply?
A Edward Coleman; he is about 18.
Q Next? A Lizzie Coleman; she's 17.
Q Next? A Will Coleman; he's about 11 years old.
Q Next? A Frank Coleman; about 9.
Q Next? A Virginia Coleman; she's about 7.
Q Next? A Katie- not quite 5 yet.
Q Next? A That's all.
Q What's the name of the father of these children? A Frank Coleman
Q Is he living or dead? A Living.
Q Do you make any claim that he is a citizen of the Creek Nation?
A No sir.
Q Or make a claim that he is a citizen of any tribe of Indians? in Indian Territory? A No sir.
Q State man is he? A Yes sir.

The records of the Commission examined and it does not appear that any application was made to this Commission for citizenship in the Creek Nation by the applicant under the act of June 10, 1896 (29 Stats., 321).

The 1890 authenticated tribal roll, the 1891 omitted roll, the 1895 payroll and the 1895 omitted roll of the Creek Nation examined and the applicant is not identified on any of said rolls.

Witness excused and Mike McIntosh called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Mike McIntosh.
Q How old are you? A Going on 65.
Q What is your post office address? A Okmulgee.
Q Is Admeta Edwards your daughter? A That's what her mother says;
Q Well, were you married to her at the time she was born? A No, but we was living together.
Q As man and wife? A Yes sir.
Q Do you own her as your daughter? A Yes sir.
Q Her mother's name was Virginia, was it? A Yes sir.
Q Did she die in Texas? A Yes sir.
Q Was she sold out of the Creek Nation? A Yes sir.
Q About when was that she was sold? A I can't tell you.
Q Was it before the war? A I don't know what time.
Q When was it you met her? A At the time of the war in Texas.
Q Did she ever come to the Creek Nation from that time on? A No sir, not as I know; I know she didn't.
Q When you made application to be admitted to citizenship in the Creek Nation to the Creek council was anybody included in the application besides yourself? A No sir, me and my next woman was.
Q This daughter of yours wasn't included? A No sir, cause I didn't know where they was.
Q Did you ever draw any money for this daughter of yours in the Creek Nation? A No sir.

Q About when was your daughter born? A I don't know.
Q How old is she now? A I never kept no record of her age; she's about 25 I guess.
Q Did she ever go by any other name besides Adneta? A Nothing else I knows of. When I left them I didn't hardly know the name myself.

1896 authenticated tribal rolls of the Creek Nation examined and Mike McIntosh identified thereon at page 27, Arkansas town; he is also identified on the 1895 payroll, at page, Arkansas town.
The Dunn roll examined and the applicant not identified thereon nor the father or mother.

Examination by M.C.Reed, Agent:

Q You lived with Virginia till after the close of the War? A No, I didn't.

By the Commission:

Q How long did you live with her? A I didn't live with her as full man and wife but with passing through the country that would be my stopping place.

By Mr. Reed:

Q Wasn't it a fact that this Virginia was simply an indian woman that went there through the country during the War? A Yes sir.
Q You don't know for a fact that she was sold over there, do you? A No, I don't know how she got there, but she was carried there someway.
Q Wasn't it a fact that during that time there was plenty of Indians who by reason of the Rebellion went over to Texas? A Yes, there was plenty I know of. They were all Indians; they probably left this country and went there.

Witness excused and Adneta Edwards recalled:

By Mr. Reed:

Q Do you know that your mother was a slave? A Yes sir.
Q You know she was a slave? A Yes sir.

By the Commission:

Q You know that from information you received from her? A Yes, she told me.

By Mr. Reed:

Q Did you understood that information from your mother that she was a slave or from other people? A From her; she told me she came from the Creek nation; she was a very bright woman; she told me my father

was in the Creek Nation but I never found him before.

Henry O. Kains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case January 27, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry O. Kains

Subscribed and sworn to before me this 27th day of January, 1904.

Chas. H. Sawyer
Notary Public.

No. 424.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Adneta Edwards, and Edward, Lizzie, Will, Frank, Virginia and Katie Coleman as Creek Freedmen.

DECISION.

The record in this case shows that on January 27, 1904, Adneta Edwards appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her six minor children, Edward, Lizzie, Will, Frank, Virginia and Katie Coleman, as Creek Freedmen.

The evidence shows that the principal applicant was about 35 or 36 years old at the date of the application herein and that no claim is made that the father of her said children is a citizen of any nation in Indian Territory.

It does not appear from the evidence that the principal applicant, or her father or mother, is identified on the Dunn Roll; neither does it appear that the applicants, or any of them, are identified on any tribal roll of the Creek Nation in the possession of the Commission, nor does it appear that they, or any of them, have ever been admitted to citizenship in said nation by the tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that Adneta Edwards, Edward Coleman, Lizzie Coleman, Will Coleman, Frank Coleman, Virginia Coleman and Katie Coleman are not entitled to enrollment as Creek Freedmen as provided by the acts of Congress, June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), or any of said acts, and that the application for their enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

Thos. B. Needles
Commissioner.

T. R. Ryan
Commissioner.

Dated at Muskogee, I.T.

W. E. Hanley
Commissioner.

MAR 14 1904

Muskogee, Indian Territory, March 2, 1904.

Honorable Tams Bixby,

Raleigh Hotel,

Washington.

Dear Sir:

There is this day shipped to you by express, for your consideration and return, the record and decision in the following Creek cases:

	292	Bessie Reese
	395	Mary Frances House et al.
	311	Mamie Willis
	185	Jesse James
	426	Celia Webb
	405	Castella Garrett
	358	James Hawkins
	412	Agnes Brown
	280	Martha Nolahta
	372	Maggie Taylor
	180	Annie Thornsberry et al.
	417	Minnie Barnett
	422	Jim Brown
	421	Ellen Bouggous et al.
	387	Millie Hawkins
	388	Douglass Somers
	391	Sarah Chiseca
	281	Susie Barnett
	239	Daniel Grayson et al.
	414	Jimmie Derrisaw
Memo.	73	Mary Foster et al.
(Report)	396	Bessie Hance
	400	Robert Sherman
	420	Clara Patrick
	419	Emma Starr

Memo.	88	Matthew T. Yeager
"	90	Lou Andrews
"	86	Benjamin T. Cliburn
	381	[illegible] et al.
	193	[illegible] et al.
Memo.	87	Mary Walker
	329	[illegible]
	133	Lewvia Tunnell et al.
	410	Frank McClain
	418	Willie Robinson
	296	George Hawkins
Memo.	89	William Davis
	336	Bernie Donaldson et al.
	426	Smart Jacob
	427	Cinda Fixico et al.
	413	Billie Davis
	415	Edward Thompson
	431	Wittson Weaver
	264	Joe Grayson
	351	Lenster Thomas
	423	Robert Marshall
	300	Willie Bruner
	428	Louinie Simmer
	424	Adneta Edwards et al.
	224	George Foster et al.
	342	James M. Barber et al.
	136	Johnnie Hawkins

Respectfully,

Commissioner in Charge.

A 343

Cr. No. 434.

Muskogee, Indian Territory, March 16, 1904.

H. C. Reed,

Agent for applicants,

Lee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Adneta Edwards, Edward Coleman, Lizzie Coleman, Will Coleman, Frank Coleman, Virginia Coleman and Katie Coleman as Creek Freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

MGH-3-16-1.

1813

Cr. No. 424.

Muskogee, Indian Territory, March 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Adneta Edwards, Edward, Lizzie, Will, Frank, Virginia and Katie Coleman as Creek Freedmen, including the decision of the Commission, dated March 14, 1904, denying said application.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

MBR-3-16-5.

Cr. En. 434.

Muskogee, Indian Territory, March 16, 1904.

Agneta Edwards,
614 Sears Street,
Denison, Texas.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission in the matter of your application for the enrollment of yourself and your minor children, Edward, Lizzie, Will, Frank, Virginia and Katie Coleman, as Creek Freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decison. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.
MMH-3-16-4.

1913

Cr. En. 424.

Muskogee, Indian Territory, March 16, 1904.

A. F. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission in the matter of the application for the enrollment of Adneta Edwards, and Edward, Lizzie, Will, Frank, Virginia and Katie Coleman as Creek Freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HGH-3-16-3.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 18, 1904.

LAND
18763/1904

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed a report from the Commission to the Five Civilized Tribes, dated March 16, 1904, transmitting the record relative to the application of Adneta Edwards for the enrollment of herslef and her children, Edward, Lizzie, Will, Frank, Virginia, and Katie Coleman, as Creek Freedmen.

The record in this case shows that the minor applicants do not make claim to enrollment by virtue of descent from their father and that the name of the principal applicant, or the name of her father or mother is not on the Dunn roll. The applicants have never been admitted to citizenship by the tribal authorities, the Commission or the court. Their names do not appear on any of the tribal rolls in the possession of the Commission.

From the record it does not appear that these applicants are entitled to enrollment and the approval of the Commission's decision of March 14, 1904, adverse to them is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

GAW-H

COPY

DEPARTMENT OF THE INTERIOR,

I.T.D. 5096-1904. WASHINGTON June 28, 1904. WCF EHE

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you transmitted the record in the matter of the application of Adneta Edwards for the enrollment of herself and her minor children, Edward, Lizzie, Will, Frank, Virginia and Katie Coleman, as Creek freedmen, including your decision of March 14, 1904, denying said application.

Reporting June 18, 1904, the Acting Commissioner of Inaidn Affairs recommedns that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) M.W.Miller

Acting Secretary.

1,inclosure.

3813

En. 424.

Muskogee, Indian Territory, July 11, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior under date of June 28, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 14, 1904, denying the application for the enrollment of Adneta Edwards, et al., as Creek freedmen.

Respectfully,

Commissioner in Charge.

No. 436.

Muskogee, Indian Territory, July 11, 1904.

H. C. Reed,
Agent for Adneta Edwards, et al.,
Lee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of June 28, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 14, 1904, denying the application for the enrollment of Adneta Edwards, et al., as Creek Freedmen.

Respectfully,

Commissioner in Charge.

8813

No. 424.

Muskogee, Indian Territory, July 11, 1904.

Agnes Edwards,
#614 Scare Street,
Denison, Texas.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of June 28, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 14, 1904, denying your application for the enrollment of yourself and your minor children, Edward, Lizzie, Will, Frank, Virginia and Katie Coleman, as Creek Freedmen.

Respectfully,

Commissioner in Charge.

Register.

CR ISN 425

CR ISN 425

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEB. 3, 1904.

In the matter of the application for the enrollment of Celia Cobb as a Creek Freedman.

APPEARANCE: A.P.Murphy, attorney for Creek Nation.

Hardie Cobb being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Hardie Cobb.
Q How old are you? A About 29.
Q What is your post office address? A Bristow.
Q Areyou a citizen of the Creek Nation? A Yes sir.

Records of the Commission examined and it appears that Hardie Cobb is listed for enrollment on Creek Freedman Card Field No. 164, approved roll No. 597.

Q Who is it you make application now to have enrolled? A Celia.
Q Your child, Celia Cobb? A Yes sir.
Q Is she living or dead? A She's dead.
Q When was she born? A March 7th.
Q What year? A 1900.
Q When did she die? A Same year, 1900; October 5th.
Q Did you have a child named Bessie? A Yes sir.
Q Do you remember coming and filing for that child? A Yes sir.
Q Why didn't you have this child, Celia, enrolled then? A I tried but they wouldn't let me enroll it then.
Q Was the child living then or dead? A It was living then.
Q About how long after that did the child die? A I came down here in February- no, it was July I came down here and she died after I went back from here-that was October; a couple of months or so.
Q How old was the child when it died? A About 7 months old.

Records of the Commission show that a citizenship certificate was issued to Bessie Cobb June 29, 1901.

Q What is the name of the mother of Celia Cobb? A Some calls her Mollie; we used to call her Mary, but we used to call her Mollie.
Q Is Mollie Cobb dead? A Yes sir.
Q Which diedfirst, Mollie or the child? A The child died first.
Q When did Mollie Cobb die? A About the 13th of April.
Q What year? A In 1901.
Q 1901? A Yes sir,
A The child died in 1900 and she died in 1901.
Q And you say this child Celia was living when you filed for Bessie?
A No sir, the child wasn't living- wasn't born then.
Q When you filed for Bessie? A No sir, wasn't born, wasn't alive, cause I filed at Okmulgee for Bessie.
Q Did you file for yourself and all your children at the same time?
A Yes sir that was at Okmulgee - I may be wrong there.

Examination by Mr. Murphy:

Q The child was dead three years last October, is that right?
A Yes sir.
Q Will be dead four years next October? A Yes sir.
Q Was born the same year and died the same year? A Yes sir.

By the Commission:

Q You stated back there a while ago- --A I didn't exactly know when I did file for Bessie, whether it was down here or at Okmulgee- which. But I think that after I come down here to my recollection-- when they was down stairs here filing; but what month it was I cant tell you.

By Mr. Murphy:

Q Do you remember when the land office opened here in Muskogee?
A No sir.
Q Well, you remember hearing about it don't you? A Yes sir.
Q Did this child die the next year after that? A I don't know sir; I hardly know when the land office did open down here.
Q Did you vote in the Creek election when Porter was first elected?
A Yes sir.
Q Did the child die the next year after he was elected? A I can't remember that.

By the Commission:

Q You say now that you don't remember when you filed for Bessie?
A No sir, I don't know what month it was but I remember I filed down stairs here.
Q Do you remember whether this child, Celia, was living when you filed for Bessie? A I believe this child was dead-- no it wasn't; it wasn't dead then when I come down to file for her.
Q When you filed was the child living? A Yes sir, the child was living and I tried to get her on the roll then but could not.
Q When you filed for Bessie? A Yes sir.
Q But you didn't file for Bessie till 1901. (No answer).
Q You filed for yourself and the other two children before that?
A Yes sir.
Q How old was Bessie when your wife died? A About three years old.

By Mr. Murphy:

Q How old was Celia when your wife died? A She wasn't no more than about---
Q Well, how long after Celia died till your wife died? A She died the next April coming.
Q April 1901, your wife died? A Yes sir.
Q You are positive of the year, are you? A Yes sir.
Q Was your wife dead when you came down here to file for Bessie?
A It look like to me she was dead but I can't recollect good.
Q If you don't remember just say so. A I can't hardly recollect it.
Q You are positive about the years are you? You know the years and dates? A Yes sir.
Q And you are positive that this child died in 1900 and was born in 1900? A Yes sir.
Q And that your wife died in 1901 in April? A Yes sir.

Witness excused, and Ellen Hamilton called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ellen Hamilton.
Q How old are you? A Thirty one.
Q What is your post office address? A Bristow.
Q Do you know Hardie Cobb? A Yes sir.
Q Did you know his wife? A Yes sir, and I know his children.
Q Did you know a child of theirs named Celia? A Yes sir.
Q Were you present when the child was born? A Yes sir.
Q When was the child born? A March 7th, 1900.
Q Is the child dead? A Yes sir.
Q When did it die? A October 5, 1900.
Q Is that your child you have here with you? A Yes sir.
Q When was that child born? A February 20, 1902.
Q Have you any other children? A Yes sir.
Q What is the name of the next oldest one to that child? A Alex Hamilton.
Q When was that child born? A March 22, 1901.
Q Is that child Alex a citizen? A Yes sir, his father is a citizen.

Records of the Commission examined and it appears that Alex Hamilton was born March 22, 1901.

By Mr. Murphy:

Q How much older was Alex than Celia? A Ale wasn't here when Celia was born; Alex was born the year Celia's mother died; in 1901.

By the Commission:

Q Was he born before or after Celia died? A Before; he born in March and she died in April; April 13th.

Affidavits heretofore filed relative to the birth and death of Celia Cobb are made part of the record herein.

Witness excused, and Hardie Cobb recalled:

By the Commission:

Q What was Mollie Cobb's name before she was married to you?
A Mollie Broadnax.
Q Did she ever have any other name? A Not to my knowledge.
Q Who was Mollie Hawkins? A That's what she proved her right in; When I married her her name was Mollie Broadnax.
Q Was she married again? A Not as I know of.
Q What was the name of her father? A I don't know.
Q What was the name of her mother? A Jennie Broadnax. But they all went in Hawkins after they proved their rights.
Q How come that? A I don't know; I reckon their owners were Hawkins and they went after the owners.
Q Her mother's name was Jennie? A Yes sir.
Q Is her mother living? A Yes sir.
Q Is her name Jennie Broadnax? A Yes- Jennie Hawkins now after she proved her right but when I first come to this country I learned her name was Broadnax.
Q Has she got any grandchildren living with her? A Yes sir.
Q What are their names? A Robert and Grant Hawkins.
Q Did your wife, Mollie, live here in the Creek Nation when she died? A Yes sir.
Q How long had she been living here? A I can't tell you.
Q How long had you known her to be living here? A About seven years I can recollect; it might be longer.
Q Lived here ever since you were married? A Yes sir.

It is ordered that a copy of this testimony be filed in Enrollment case #3.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 3, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 4th day of February, 1904.

Charles H. Sawyer

Notary Public.

IN RE
THE DEATH OF

Celia Cobb

a citizen of the

Creek Nation.

Approved. 1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
June 26 1902

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Celia Cobb (Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Bristow (Here insert name of post office.), Ind. Ter., and died on the day of
1 .

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, (INDIAN TERRITORY,) District.

I, , on oath state that I am
years of age and a citizen, by , of the Nation;
that my post office address is (Here insert name of post office.), Ind. Ter.; that I am
(State relationship, as: the father; an uncle; a cousin, etc.) of (Here insert name of deceased.),
who was a citizen, by , of the Nation;
and that said (Here insert name of deceased.) died on the day of
, 1 .

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this day of 1 .

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, (INDIAN TERRITORY,)
Northern District.

I, Juanetta Cobb, on oath state that I am 20
years of age, and a citizen, by adoption, of the Creek Nation;
that my post office address is Ridge (Here insert name of post office.) Ind. Ter.;
that I was personally acquainted with Celia Cobb (Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Celia Cobb (Here insert name of deceased.) died on the 5th day of
October, 1900.

WITNESSES TO MARK

(Must be Two Witnesses) W. H. Angell
O. C. Hunter

Juanetta Cobb her x mark

Subscribed and sworn to before me this 26th day of June 1902.

William J. Marlin
Notary Public.

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Feby 12th 1903

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Celia Cobb (Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Bristow (Here insert name of post office.), Ind. Ter., and died on the 5th day of October,
1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
Western (INDIAN TERRITORY.) District. }

I, Hardy Cobb, on oath state that I am 28
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Bristow (Here insert name of post office.), Ind. Ter.; that I am
Father (State relationship, as: the father; an uncle; a cousin, etc.) of Celia Cobb (Here insert name of deceased.),
who was a citizen, by blood, of the Creek Nation;
and that said Celia Cobb (Here insert name of deceased.) died on the 5th day of
October, 1900.

Hardy Cobb

WITNESSES TO MARK.

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 5th *day of* Feb 1903.

T. N. Flynn
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
Western (INDIAN TERRITORY.) District. }

I, F A Henshaw, on oath state that I am 40
years of age, and a citizen, by ——, of the U. S. ~~Nation~~;
that my post office address is Bristow (Here insert name of post office.), Ind. Ter.;
that I was personally acquainted with Celia Cobb (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Celia Cobb (Here insert name of deceased.) died on the 5th day of
October, 1900.

F. A. Henshaw

WITNESSES TO MARK.

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 5th *day of* Feb 1903.

T. N. Flynn
Notary Public.

DEPARTMENT OF THE INTERIOR.

I, Hardy Cobb, do solemnly swear that I was the husband of Mary Cobb on the date of the birth of the child named in the accompanying affidavit; that said child was born on the 7th, day of March, 1900, and died on the 5th day of Aug, 1900, and that said Mary Cobb died on the 30th, day of April, 1900 of consumption; that I am the father of said child and desire to have the same enrolled ~~[illegible]~~ by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation.

Hardy Cobb

Sworn and subscribed to before me this 19th, day of August, 1901/

T J Sievers

T J Sievers
Notary Public.

My commission expires 3/18/1905.

26

IN RE

Application for Enrollment of

INFANT CHILD

Lelia Cobb

as a citizen of

Creek Nation.

Approved, 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Aug 22 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Celia Cobb (Name intended for child), born on the ... day of ..., 1...

Name of Father: Hardy Cobb, a citizen of the Creek Nation.

Name of Mother: Mary Cobb, a citizen of the Creek Nation.

Post-office: Bristow, Ind. Ter.

AFFIDAVIT OF ~~Mother~~ FATHER

UNITED STATES OF AMERICA, Northern (INDIAN TERRITORY.) District.

I, Hardy Cobb, on oath state that I am 27 years of age and a citizen, by adoption, of the Creek Nation; that I am the lawful husband of Mary Cobb, who is a citizen, by adoption of the Creek Nation, that a female (male or female.) child was born to ~~me~~ her on the 7th day of March, 1900. ; that said child has been named Celia Cobb, and is now living ~~dead~~.

Hardy Cobb

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 17" day of Aug *1901.*

I. J. Leonard NOTARY PUBLIC.

Com Exp. 3/15/1904

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, (INDIAN TERRITORY.) District.

I, Ellen Kemp, a mid-wife, on oath state that I attended on Mrs. Mary Cobb, wife of Hardy Cobb, on the 7th, day of March, 1900. , 1 ; that there was born to her on said date a female (male or female) child; that said child is now ~~dead~~ living and is said to have been named Celia Cobb

Ellen Kemp

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 19 day of Aug *1901.*

Com Exp 3/15/1904

I. J. Leonard NOTARY PUBLIC

3813

En. 425.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Celia Cobb, deceased, as a Creek freedman.

D E C I S I O N.

The record in this case shows that on February 3, 1904, Hardie Cobb appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased minor child, Celia Cobb, as a Creek freedman.

The evidence shows that said Celia Cobb was born March 7, 1900, and died October 5, 1900; that she was the child of Hardie Cobb whose name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior, March 13, 1902, number 597, and Mollie Cobb, deceased, who is shown by an examination of the records of the Commission to be regularly listed for enrollment as a Creek freedman on Field Card No. 1909.

It is, therefore, the opinion of the Commission that Celia Cobb should be enrolled as a Creek freedman in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 17 1904.

J.S.

En. 425.

Muskogee, Indian Territory, March 18, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission in the matter of the application for the enrollment of Celia Cobb as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Celia Cobb will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner in Charge.

MGH-3-18-6.

9813

Mn. 425.

Muskogee, Indian Territory, April 5, 1904.

Hardy Cobb,

Bristow, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 26, 1904, relative to the application made by you for the enrollment of your child, Celia Cobb, as a citizen of the Creek Nation. You request to be informed if you can now file on land for said child.

In reply you are advised that said application has not been disposed of. When final action is had in the case you will be informed by letter.

Respectfully,

Commissioner in Charge.

Dn. 425.

Muskogee, Indian Territory, April 30, 1904.

Hardy Cobb,

Bristow, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 24, relative to the application for the enrollment of your child, Celia Cobb.

April 5, 1904, the Commission advised you that the application had not been finally disposed of, nor has it been disposed of up to the present time. The Commission has rendered its decision in the case, granting the application for her enrollment as a citizen of the Creek Nation. The list in which her name is contained has not been reported to the Secretary of the Interior for his approval, and, until approved by him, no allotment of land can be made to her by the Commission.

Respectfully,

Chairman.

No. 425.

Muskogee, Indian Territory, June 15, 1904.

Hardy Cobb,

Bristow, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Celia Cobb, deceased, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR ED 426

CR ED 426

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 5, 1904.

In the matter of the application for the enrollment of Smart Jacob as a Creek Freedman.

APPEARANCES: A. P. Murphy, attorney for Creek Nation.
N. A. Gibson, attorney for applicant.

James Anderson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James Anderson.
Q How old are you? A I am pretty old, but I can't tell; I don't know how to read; I guess I am 57 or more, I can't tell.
Q What is your post office address? A Lee.
Q Do you make application for the enrollment of Smart Jacob as a Creek Freedman? A Yes sir.
Q He is dead, is he? A Yes sir.
Q Was he a citizen of the Creek Nation? A Yes sir.

The 1890 authentic ted tribal roll of the Creek Nation examined and Smart Jacob identified thereon at page 28, Arkansas town: the 1895 payroll of the Creek Nation examined and Smart Jacob i entified thereon at #470, Arkansas town.

Q Did he have some children other than you? A Yes sir.
Q What are their names? A One named George Jackxxxob; one named Jackson Anderson and one named James Anderson- that's me.
Q Did he have any girls? A Not as I know; just the boys.
Q Who was Nero Jacob? A I don't know; there's some other parties goes by this Jacob but I don't know them.
Q Is there another Smart Jacob that you know of? A There was one used to be Smart Lewis.
Q Any other man named Smart Jacob? A Not as I know of.
Q What was the name of your mother? A Rachel Anderson.
Q Was George Jacob a full brother to you? A No sir.
Q Half-brother? A Yes sir.
Q What was his mother's name? A Flora Jacob.
Q When did Smart Jacob die? A Well, I am livin West, and I learned that he had died on Friday, so I didn't get to see the burial at all; I couldn't make it on account of high water.
Q What year was that? A After the filing office opened. In May or something, I don't know what time- I hardly know what month; I don't know the months well- anyhow he died after the filing office been opened.
Q Do you know J.C.Adams? A Yes sir; I think he is the one that makes the ceremonial over the coffin.
Q Is he a preacher? A They say he is; yes sir.

Q Had you filed on your land in the Creek Nation when your father died or did he die before you filed? A Yes, I filws.
Q You had already filed when you heard he was dead? A No sir, I filed last January, somewhere along in there and this year; this January gone I think it would make it a year; I filed lately.
Q Did you file for your wife? A No sir, my wife came in and filed for herself.
Q Was your father dead then? A Yes sir.
Q How long had he been dead when your wife came and filed? A It has been a good while.
Q Well, about how long, to the best of your judgment? A I guess it must have been about a year I reckon. I am not certain of course. A man who don't know how to read, don't know; at that time I and my wife came down and she filed herself and five of the children at that time.
Q Have you executed an affidavit about the death of your father?
A Yes, I come and made out an affidavit here.
Q Did you know at that time the date of your father's death? A He- the date of that he died?
A Yes; did you know when you made that affidavit? A No, not exac tly, I didn't know what day that I made, but anyhow I made the alfidavit.
Q Did you give them the date that he died then? A Yes sir, I think I did; I guess I did; I don't remember.

Examination by Mr. Gibson:

Q What relation are you to this man, Smart Jacob? A I am his son.
Q Where did he live at the time of his death? A He was living at Davé McNac's place.
Q Where does Dave McNac live? A On this side of Pecan Creek; on the South side.
Q How far was he living from you at the time? A I was living up there; from Muskogee about 24 miles.
Q How long had your father been living in the Creek Nation at the time of his death? A He had been--- well, I will tell you; him and his wife had parted, and he would go back to the Soldiers' Home, stay up there a little while and then come back and stayed with this Dave McNac.
Q What Soldiers' Home did he go to? A I am not able to tell you.
Q Was your father once a soldier in the United States Army? AYes sir.
Q How long did he serve? A I guess about four years.
Q During the war? A Yes sir.
Q Where had he been making his home in the Creek Nation during such time as he stayed here? A Well, he had a place down on the creek there- on the north side of Cane Creek; there was where he stayed and I used to come down there and stay with him and worked with him and help him along.
Q Do you know whether or not he had ever lived outside of the Creek Nation except during the time he was at the Soldiers' Home? A No sir, never went anywhere else.
Q Was he a slave of a Creek citizen before the war? A I don't know; I can't tell you.
Q Was that your information? A Yes sir, they say he was a slave; I don't know what family he belonged; they called him Smart Jacob, that is all I know.
Q How long after your father's death was it that you heard of the death? A Well, he died on Friday they say; I heard from him on a Sunday morning about ten oclovk.

Q Where were you when you heard of his death? A This here fellow they call Jake Brown they say he was with him on a Saturday out there and on account of high water he couldn't make it and next morning about ten oclock he let me know.
Q You didn't go to the funeral then? A No sir; that was the day they buried him and I knew I couldn't make it.
Q According to your best recollection now, what month was it that he died? A All I know the grass looked like it was about that high- (2 feet). That must have been about April.
Q How many years ago was it since he died? A This- it must be about three years and some better since he died; I don't know for certain.
Q At the time of his death, state whether or not you had known of the opening of the Creek land office before that? A Yes sir, I heard that the land office was open.
Q You had not been down yourself? A No sir, I come lately; but they said it was open at that time; I didn't come.

Examination by Mr. Murphy:

Q You enrolled yourself and wife and all your family, didn't you?
A Yes sir, at once place we did, at Lee.
Q I mean now- put them on the roll; not filed- put them on the roll; you know what that means, don't you? A Yes sir.
Q Now at the time that you was enrolled, was your father living or dead? A No sir, he was living.
Q How long after you was enrolled was it that he died? A Well, he lived someways along in the next Spring.
Q Have you got a son by the name of George Anderson? A Yes, I have.
Q Was your father living when George was born? A Yes, George was born.
Q George was born then before he died? A Yes sir.
Q How long after George was born that your father died? A I don't know exactly, but anyhow he was living.
Q You are positive that your father was living when George Anderson was born? A Well, I don't know much about that now; of course I don't remember that.
Q Do you remember when you had George enrolled? A Yes sir.
Q Remember of coming and doing it? A Yes sir, my wife came and did that.
Q Was your father living or dead when you enrolled George? A I believe he was dead.
Q How long had he been dead? A About a year probally.
Q About a year? A I guess it was about a year. I am just mostly going on that.
Q And you are positive that at the time your wife came and filed for herself and the rest of the children that your father had been dead about a year, are you? A Yes sir.
Q Then your father died in the year before your wife came here and filed for her and her children? A Yes I come with them.
Q But he died the year before she came-- is that it? A No, I don't know about that.
Q Was it the same year? A I can't say; I think it must have filed after the old man was dead.
Q Well, how long after? A I guess a maybe--
Q Well, you know it was six months, don't you? A No, I can't tell for certain; but we come down here I know and we filed for them five children and her.
Q Well, now, how long had your father been dead when you done that?
Q Well, I think he must have been dead when we filed.
Q Well, how long? A Well, maybe 5 or 6 months; I am not certain when

By theCommission:

The records of the Commission show that a citizenship certificate was issued to Emma Anderson August 29, 1899.
The records of the Commission further show that George Anderson was born July 10, 1899.

Witness excused and John A. Myers called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A John A. Myers.
Q How old are you? A About forty seven.
Q What is your post office address? A Muskogee.
Q Do you know a man by the name of Smart Jacob? A Yes sir.
Q He is dead is he? A Yes sir.
Q Do you know when he died? A About 1899.
Q Know the month? A About in April 14; on a Friday.
Q Are you a citizen of the Creek Nation? A Yes sir.

Examination by Mr. Gibson:

Q Where were you living at the time of the death of Smart Jacob?
A On Pecan Creek, six mile Northwest of here.
Q Wher was he staying at that time? A At McNac's.
Q How far was that from your house? A About a mile and a half No rth east of where I live.
Q How long had you known Smart Jacob? A Its been a long time; direct ly after t e Surrender.
Q Do you know where stayed most of the time- a number of years before his death? A Yes, he stayed on Pecan Creek.
Q Had you ever known of his living anywhere except in the Creek Nation? A No sir.
Q Do you know James Anderson? A Yes sir.
Q How lon have you known him? A For a number of years.
Q How [illegible] A [illegible] Well,
after the death of the old man
Q What relation is James Anderson to Smart Jacob? A His son.
Q How do you know of the date of the death of Smart Jacob? A Well, after the old man's death, I was called by Mr. David McNac- he was an old friend of mine like Smart- and said the old man was dead and wanted me to come and my sister.
Q Did you go? A Yes sir.
Q How do you happen to remember that it was the 14th day of April 1899? A I just can't exactly tell you what the reason; I think we took and put the date on the head board, if I mistake not- that's account I remember.
Q Have you seen that board since his death? A No sir, that's rotted away.

Q State whether or not you had been to Muskogee within two weeks after the death of Smart Jacob? A Yes sir when the land office first opened up they said everbody must come in and file.
Q Were you here on the first day when the land office opened up?
A Yes sir right down here where the post office is now.
Q Was Smart Jacob living then? A Yes sir.
Q How long after that before he died? A I can't tell you exactly how many days after but he died after.
Q Do you know what day of the month the land office opened? A If I mistake not it was the first of April.

By the Commission:

Q Did you see him after the land office opened? A Yes sir.

By Mr. Gibson:

Q He had not been buried when you came over to Dave McNac's? A No sir; if I mistake not we held him over till Sunday.
Q For what purpose? A For the burial- and sent after his son, James
Q Where was he buried? A On Pecan Creek.
Q What graveyard? A We call it John Cooks graveyard.
Q Who was present at his preparation for burial? A There was some people; Lewis Sandy was one of the men helped dress him.
Q Was Dave McNac there? A Yes sir.
Q Was it in Dave's house? A Yes sir, they had undressed him when I got there.

Examination by Mr. Murphy:

Q Do you remember when you enrolled yourself and family-- do you remember the citcumstance? A Yes sir; I can't tell exactly what date it was that I give my name in up at the court house.
Q Was this man living or dead? A He was living.
Q How long after that before this man died? A Way after that.
Q How long after that? A I can't tell you exactly.
Q Was it a year? A I guess it was about a year.
Q About a year? A I guess it was; I don't know.
Q Do you remember when you filed on your land? A I think it was about in September- but I can't tell you what day of the month.
Q Do you remember when your wife filed? A My wife filed a little before I did.
Q Well, was this man living or dead when you filed? A He was dead I think.
Q How long had he been dead? A I can't tell you, Mr. Murphy; I dont keep that in recollection. If I mistake not I think my wife filed on the 21st or 23rd.
Q Of what? A On her land.
Q 21st or 23rd of what month? A September.
Q She filed before you did? A Yes sir.
Q Do you know a child by the name of George Anderson, James Anderson's child? A I know Jim's got a brother we call George; we call him Smart.
Q Has he got a young child by the name of George Anderson? A Who?
Q Jim Anderson? A Yes, I think he has.

Q How close does he live to you? A He lives West of Lee and I live on Pecan Creek; about 23 miles.
Q You don't know whether George was living then at the time the old man died; was it alive or was it born when old man Smart died? A I think not.
Q How long has he been dead? A Old man Smart?
Q Yes. A That was in 1899.
Q Can you read and write? A I can scribble a little.
Q Do you remember when Porter was first elected Chief? A Yes sir; I fit him; I wasarrested on it; I can't tell you the date.
Q Was this man dead the first time Porter was elected? A I believe he was.
Q Was what? A I believe he was dead, I believe.
Q How long had he been dead? A I can't tell.
Q Did he die the same year or the year before? A He was living.
Q He was living then when Porter was first elected Chief? A Yes sir
Q Well, how long after Porter was elected was it that he died?
A I don't know; he was elected two times.
Q I am talking about the first time; how long after he was elected the first time that this old man Smart died? A Porter was elected in the Fall and this old man he died in the Spring.
Q In the Spring before or after Porter was elected? A Before he was elected.
Q Do you know J.C.Adams? A Yes sir I am personally acquainted with him.
Q What does he do? A He is a preacher I think.
Q He preachedthe funeral, didn't he? A I don't recollect whether Adams was present or not.
Q What time of the year was it when this old man, Smart, died?
A It was fair weather.

By the Commission:

An affidavit heretofore filed concerning the death of Smart Jacob is made part of the record herein.

Witness excused and David McNac called and sworn; through sworn interpreter, John A. Myers:

Examination by the Commission:

Q What is your name? A David McNac.
Q How old are you? A About 67.
Q What is your post office address? A Muskogee.
Q Did you ever know a man by the name of Smart Jacob? A Yes sir.
Q He is dead, is he? A Yes sir.
Q When did he die? A He says just after the land office, that he heard he was sick and he died.
Q Did you live near him? A He was living at his house.
Q Had you filed on your land when he died? A No sir.
Q Had you filed for any of your family? A No sir.

Examination by Mr. Gibson:

Q How long had you known Smart Jacob before his death? A He says he can't tell how long but he knowed him a little while he says to live around near by, and him and his wife, they parted and he went off and come back I believe and stayed at his place.

Q Were you at Muskogee on the day that the Creek Land Office opened?
A Yes sir; he says he was; that they was down here some place.
Q Where was Smart Jacob that day? A He was sick; not really in bed; sick at this man's place.
Q How long did Smart Jacob live after that? A Well, he says he cant tell exactly how long, but about two weeks he guesses.
Q Where did he die? A In my house.
Q Where was he buried? A On Pecan Creek.
Q What day of the week was it he died? A Friday evening.
Q Do you know Jim Anderson? A Yes sir.
Q What kin is he to Smart Jacob? A I don't know but old man Smart said that was his son.

(Statement by A. P. Murphy, for the Creek Nation: The Creek Nation has no evidence to offer.)

-- ---

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 5, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 8" day of February, 1904.

Charles H. Sawyer
Notary Public.

2.818

Mn. 426.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Smart Jacob as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on February 5, 1904, James Anderson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Smart Jacob, deceased, as a Creek Freedman.

The evidence shows that said Smart Jacob is identified on the 1890 Authenticated tribal roll of the Creek Nation and on the 1895 Pay-roll of said nation, and that he died in April, 1899.

The evidence further shows that said Smart Jacob resided continuously in the Creek Nation from the close of the Civil War until his death.

It is, therefore, the opinion of the Commission that Smart Jacob, deceased, should be enrolled as a citizen of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee,
Indian Territory,

MAR 12 1904

56

IN RE
THE DEATH OF

Smart Jacobs

a citizen of the

Creek Nation.

Approved

Commissioner.

Probate and [illegible]

[illegible]

In 1895 Payment [illegible] 474

[illegible]

Jany 7. 1902

ACTING CHAIRMAN

[illegible] 7 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Smart Jacob (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Muskogee (Here insert name of post office.) Ind. Ter., and died on the 8 day of February, 1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, } (Indian Territory,)
Northern District. }

I, James Anderson on oath state that I am 46 years of age and a citizen, by adoption of the Creek Nation; that my post office address is Lee (Here insert name of post office.), Ind. Ter.; that I am Son (State relationship, as: the father; an uncle; a cousin, etc.) of Smart Jacob (Here insert name of deceased.), who was a citizen, by adoption, of the Creek Nation; and that said Smart Jacob (Here insert name of deceased.) died on the 8 day of February, 1900

his
James × Anderson
mark

WITNESSED TO MARK:

(Must be Two Witnesses.) John F. Warren
Wm. O. Martin

Subscribed and sworn to before me this 7 day of January 1902

William O. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, } (Indian Territory,)
Northern District. }

I, F. C. Adams, on oath state that I am 48 years of age, and a citizen, by non, of the Creek Nation; that my post office address is Muskogee (Here insert name of post office.) Ind. Ter.; that I was personally acquainted with Smart Jacob (Here insert name of deceased.) who was a citizen, by adoption, of the Creek Nation; and that said Smart Jacob (Here insert name of deceased.) died on the 8 day of February, 1900

F. C. Adams

WITNESSED TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 7 day of January 1902

William O. Martin
Notary Public.

Cr. En. 426.

Muskogee, Indian Territory, March 15, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Smart Jacob as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no protest has been made, said Smart Jacob will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner in Charge.

HGH-3-15-1

No. 755.

Muskogee, Indian Territory, June 15, 1904.

James Anderson,
Lee, Indian Territory.

Dear Sir:

You are advised that the name of your father, Smart Jacob, deceased, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land in the Creek Nation may now be made for said Smart Jacob, deceased, at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EW 427

CR EW 427

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Feb. 5, 1904.

In the matter of the application for the enrollment of Cinda Fixico and Annie Fixico as citizens by blood of the Creek Nation.

APPEARANCES: A. P. Murphy, attorney for Creek Nation.

Cotcha Fixico being duly sworn testified as follows through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Cotcha Fixico.
Q How old are you? A About thirty.
Q What is your post office address? A Okemah.
Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission show that Cotcha Fixico is listed for enrollment on Creek Indian Card Field No. 2424, approved roll No. 7234.

Q What is the name of your wife? A Cinda Fixico.
Q How old is she? A Twenty-eight.
Q Is she living? A Yes sir.
Q What is the name of her father? A Tulmochus Harjo.
Q What is the name of her mother? A Monaye.
Q Is Monaye living? A Yes sir.
Q To what town in the Creek Nation does your wife belong? A Fish Pond.

The 1890 authenticated tribal roll of the Creek Nation examined and Cinda Fixico identified thereon at page 107 as Cinda in the family of Tulmchus Harjo and Monorye; she is also identified on the 1895 payroll Fish pond town, #3.

Q Has Cinda lived in the Creek Nation all her life? A Yes sir.
Q Have you a child named Annie? A Yes sir.
Q Is Cinda Annie's mother? A Yes sir.
Q How old is Annie? A About five years old.
Q When was she born? A June 20, 1898.
Q How long have you and Cinda been married? A About 14 years.
Q Is Annie living? A Yes sir.

Witness excused and Charley Simmer called and sworn; he testified as follows through Mrs. Merrick, official interpreter:

By the Commission.

Q What is your name? A Charley Simmer.
Q How old are you? A About 28.
Q What is your post office address? A Okemah.
Q Do you know Cotcha Fixico? A Yes sir.

Q Do you know his wife, Cinda? A Yes sir.
Q What was the name of her father? A Tulmochus Harjo.
Q What is the name of her mother? A Monahwe.
Q Is Cinda living? A Yes sir.
Q Have Cotcha and Cinda a child named Annie? A Yes sir.
Q Is that child living? A Yes sir.
Q How old is that child? A About five years old.

There is filed with the Commission an affidavit relative to the birth of Annie Fixico, and the same is made part of the record herein

(Statement by Mr. Murphy: The Creek Nation has no evidence to offer.)

--

Henry C. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 5, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Hains.

Subscribed and sworn to before me this 8" day of February, 1904.

Charles H. Sawyer
Notary Public.

2.015

Mn. 427.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cinda and Annie Fixico as citizens by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on February 5, 1904, Cotcha Fixico appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Cinda and Annie Fixico as citizens by blood of the Creek Nation.

The evidence shows that Cinda Fixico is identified on the 1890 Authenticated tribal roll of the Creek Nation and the 1895 Pay-roll of said nation, and that she has resided in the Creek Nation all her life.

The evidence further shows that Annie Fixico was born June 20, 1898; that she is the child of Cotcha Fixico whose name appears on the partial list of Creek citizens by blood approved March 28, 1902, number 7234, and Cinda Fixico, applicant herein.

It is, therefore, the opinion of the Commission that Cinda Fixico and Annie Fixico should be enrolled as citizens by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

MAR 12 1904

Mn. 427.

Muskogee, Indian Territory, March 15, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Cinda and Annie Fixico as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Cinda and Annie Fixico will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGH-3-15-7.

881

I. 4814.

Muskogee, Indian Territory, May 28, 1904.

Cinda Fixico,

Okemah, Indian Territory.

Dear Madam:

You are advised that your name and the name of your minor child, Annie Fixico, are contained in the partial list of citizens by blood of the Creek nation approved by the Secretary of the Interior May 21, 1904, and that application for selections of land in the Creek Nation may now be made by you at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEB. 5, 1904.

In the matter of the application for the enrollment of Louinie Simmer as a citizen by blood of the Creek Nation.

APPEARANCE: A. P. Murphy, attorney for Creek Nation.

Charley Simmer being sworn testified as follows through Mrs. Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Charley Simmer.
Q How old are you? A I don't know; about twenty-seven.
Q What is your post office address? A Okemah.
Q For whom do you now make application for enrollment? A Louinie Simmer.
Q Is she living? A Yes sir.
Q Are you her father? A Yes sir.
[illegible]
Q What is the name of her mother? A Kizzie.
Q How old is Louinie? A About four years old.
Q When was she born? A January 26, 1900.
Q Did you come to the land office and file on your own land? A No sir, the Commission made a selection.

Records of the Commission show that Charley and Kizzie Simmer are listed for enrollment on Creek Indian Card Field No. 3982, approved roll Nos. 9170 and 9171, respectively, and that they are both full blood Creek Indians.

Witness excused and Cotcha Fixico called and sworn testified as follows through Mrs. Merrick, official interpreter:

By the Commission:

Q What is your name? A Cotcha Fixico.
Q How old are you? A About thirty.
Q What is your post office address? A Okemah.
Q Do you know Charley and Kizzie Simmer? A Yes sir.
Q Do you know a child of theirs named Louinie? A Yes sir.
Q Is thatchild living? A Yes sir.
Q How far do you live from them? A About 1/2 a mile.
Q How old is Louinie? A About four years old.
Q Do you know when she was born? A January 26th.
Q What year? A 1900.

An affidavit has been filed with the Commission in the matter of the birth of Louinie Simmer, and the same is made part of the record herein.

Witness excused:

(Statement by Mr. Murphy):
The Creek Nation has no evidence to offer in the case.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 5, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 8" day of February, 1904.

Charles W. Sawyer
Notary Public.

Dn. 428.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Louinie Simmer as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on February 5, 1904, Charley Simmer appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Louinie Simmer, as a citizen by blood of the Creek Nation.

The evidence shows that said Louinie Simmer was born January 26, 1900; that she is the child of Charley and Kizzie Simmer whose names are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior, November 14, 1902, number 9170 and 9171, respectively, and that she was living at the date of the application herein.

It is, therefore, the opinion of the Commission that Louinie Simmer should be enrolled as a citizen by blood of the Creek Nation in accordance with the provision of the act of Congress, March 1, 1901, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 14 1904.

20

IN RE

Application for Enrollment of

INFANT CHILD

Louinie Amiller

as a citizen of

.....Nation.

Approved ..... 190....

.....

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

February 5. 1904.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Lavinnie Simmon, born on the 26 day of January, 1900
(Here insert name of child.)
Name of Father: Charlie Simmon a citizen of the Creek Nation.
Name of Mother: Kizzie Simmon a citizen of the " Nation.
Post-office Okemah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Western District. }

I, Kizzie Simmon, on oath state that I am 27 years of age and a citizen, by Blood, of the Creek Nation; that I am the lawful wife of Charlie Simmon, who is a citizen, by Blood, of the Creek Nation; that a Female (male or female.) child was born to me on 26 day of January 1900; that said child has been named Lavinnie Simmon, and is now living.

her
Kizzie × Simmon
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { J. H. Miller
Estella Fixico his × mark

Subscribed and sworn to before me this 1st *day of* Feb. 1904

My Commission Expires Sept 6, 1904

John H. Phillips
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Western District. }

I, Charlie Simmon, a Father of a child, on oath state that I attended on Mrs. my, wife of on the 26 day of January, 1900, that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Lavinnie Simmon

his
Charlie × Simmon
mark

WITNESSES TO MARK:

(Must be Two Witnesses) { J. H. Miller
Estella Fixico his × mark

Subscribed and sworn to before me this 1st *day of* Feb. 1904.

My Commission Expires Sept 6th 1904.

John H. Phillips
NOTARY PUBLIC

9813

En. 428.

Muskogee, Indian Territory, March 15, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Louinie Simmer as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Louinie Simmer will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfu ly,

Commissioner in Charge.

HGH-3-15-15.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKINRIDGE.

WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek No. 805.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 26, 1904.

J. J. Beavers, Esq.,

Chief Clerk, Creek Enrollment Division,

General Office.

Dear Sir:

In the matter of the application for enrollment of Louinie Simmer as a citizen of the Creek Nation, you are advised that Creek Land Contest No. 805, entitled Charlie Simmer for Louinie Simmer, his minor daughter, contestant, versus A. B. Davis as administrator of the estate of Lena Willier, deceased, contestee, has been held open pending the determination of said application.

As soon as said application has been finally passed on by the Honorable Secretary of the Interior, you will so advise the Allotment Contest Division of the Commission so that the contest above referred to may be disposed of in the regular way.

Respectfully,

Chairman.

818

Muskogee, Indian Territory, May 28, 1904.

Commission to the Five Civilized Tribes,

Allotment Contest Division,

Gentlemen:

Referring to your letter of April 25, 1904, Creek Land Contest No. 805, you are advised that the name of Louinie Simmer, minor child of Charlie Simmer and Kizzie Simmer, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior May 21, 1904, No. 9869.

Respectfully,

Chairman.

Dn. 428.

Muskogee, Indian Territory, May 28, 1904.

Charley Sinner,

Okemah, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Louinie Sinner, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior May 21, 1904, and that application for a selection of land may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 429

CR EN 429

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. FEBRUARY 27th, 1901.

In the matter of the proof of death of Whitlow Hennehar. Culberson W. Johnson being duly sworn, testified as follows:

(Examination by the Commission).
Q What is your name? A Culberson W. Johnson.
Q Are you a citizen of the Muskogee Nation? A Yes sir.
Q Were you acquainted with Whitlow Hennehar during his life time? A Yes sir.
Q Are you any relation to him? A No sir.
Q How close did you live to him at the time of his death?
A I can't tell you that, about 5 or 6 miles.
Q Do you know the date of his death? A Yes sir.
Q Please state it? A April 19, 1898.
Q Were you at his house when he died? A No sir.
Q Were you at his funeral? A Yes sir.
Q You saw him buried? A Yes sir.
Q How soon after his death? A Next day.
Q How old are you? A About 24, I guess.
Q What is your post office address? A Okfuskey.
Q Was Whitlow Hennehar a citizen of the Creek Nation? A Yes sir.
Q Do you know who were present at the death of Whitlow Hennehar?
A Yes sir, Joe Davis, Thomas Scott a preacher,----o---
Q What are their post office addresses? A Okfuskey.

Lona Cummings having been first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of February, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Lona Cummings

Subscribed and sworn to before me at Muskogee, Indian Territory, this 28 day of Febru[illegible], A.D., 1901.

Notary Public.

No. 429.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 9, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Whitlow Heneha as a citizen by blood of the Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Joe Deere.
Q How old are you? A Fifty-six.
Q What is your post office? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Arbeeoche.
Q Did you know a member of your town named Whitlow Heneha? A Yes, sir.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A He has been dead a good while.
Q Did he die before or after the opening of the Creek Land Office?
A He died before the opening of the land Office.
Q How long before? A I do not know how long before but he has been dead about seven years.
Q Are you positive that he has been dead that long? A Yes, sir.
Q How close did you live to him at the time of his death? A About four miles, but I was not present either at his death or burial.
Q Do you know whether or not the date of his death appears on the record of your town? A I do not know.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 16 day of November, 1904.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FEBRUARY 14, 1905.
-:O:-

In the matter of the enrollment of Whitlow Heneha, deceased, as a citizen of the Creek Nation.

APPEARANCES: M. L. Mott, Attorney for Creek Nations.

BY COMMISSION:

February 3, 1904, the Department re-opened the matter of the enrollment of Whitlow Heneha as a citizen of the Creek Nation and ordered a rehearing in the case.

On February 15, 1904, the case was set for rehearing for March 14, 1904. No appearances were made on that day.

January 13, 1905, the parties in interest were notified that the case was again set for rehearing on February 14, 1905.

LUCINDA LUMKINS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Lucinda Lumkins.
Q What was your name before it was Lumkins? A Heneha.
Q How old are you? A Twenty-five.
Q What is your post office address? A Fry.
Q Are you a citizen of the Creek Nation? A yes, sir.
Q To what town do you belong? A Nuyaka.
Q Did you know Whitlow Heneha? A yes, sir.
Q What relation was he to you? A No relation.
Q By marriage, what relation was he? A He was a brother of my husband.
Q Is Eli Heneha your husband? A He is my former husband.
Q Is he living? A I think he is living.
Q Where does he live? A Some where in Arbecoche.
Q Does he live near Morse? A Yes, sir
Q Is Whitlow Heneha living? A He is dead.
Q When did he die? A I do not know.
Q Can't you tell the year he died? A I had a record once of his death but I have since lost it.
Q Do you remember what year that record gave of his death? A I have forgotten what the record was.
Q How many years ago did he die? A I think it has been about four years since he died. He was dead when I came to the Commission to select land for my self.
Q How long had he been dead when you came here to the Commission to select land for yourself? A I filed on my land the next Spring after he died. I think he had been dead about a year when I filed.
Q Had he been dead more than a year or less than a year? A I do not think it was quite a year.
Q Do you remember what kind of weather it was when you came in here to select your land? A It was in the spring. I filed on my land in June, 1900.
Q You can remember the exact month and year in which you filed why can't you remember the exact time he died? A I know when I filed on my land because I have the certificates which show.
Q You state that you selected your land in June, 1900, and that Whitlow died the Spring before, do you know whether it was as late as June that he died or was it early in the spring? A I cannot say.

Q Do you remember when the Creek Land Office opened? A I remember the circumstance but I do not know the date.
Q Was Whitlow Homaha dead at that time? A I think he was living at the time the land office opened.
Q Are you positive of that? A Yes, sir.
Q Were you present when Whitlow Homaha died? A Yes, sir.
Q Who else was present? A His brothers and sisters and an aunt.
Q Name them? A Milly, his aunt, was present. She is now dead.
Q Give the names of some people that were there who are now living?
A His sister Lola.
Q Lola what? A Lola Wimba.
Q What is her post office address? A She lives near Morse.
Q Any others? A Nyanah, another sister.
Q Nyanah what? A Nyanah Tilker.
Q What is her post office address? A She lives in Cheyenne.
Q Was there any doctor in attendance when he died? A We had no doctor.
Q Did they have a funeral ceremony? A Yes, sir.
Q Can you give us the name and post office of any person who was present at the funeral ceremony? A All of the Church people were present.
Q Was it at the Church? A Yes, sir.
Q What church? A Okfuske.
Q What was the name of the Preacher? A Joe Davis was preacher at that time.
Q What is his post office address? A Okfuske.
Q Was there any head-board or slab put on his grave? A I do not know.
Q Do you know of any record of this man's death any where? A His relatives may have a record.

By M. L. Mott:
Q What year is this? A This is February, 1906.

------:0:------

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs,

Subscribed and sworn to before me this 14 day of February, 1906.

W. Dermott
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmah, I. T., February 21, 1905.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Whitlow Heneha, deceased, as a citizen by blood of the Creek Nation.

ELI HENEHA, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION;

Q What is your name? A Eli Heneha.
Q How old are you? A I think I am about twenty-eight.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A yes, sir.
Q To what town do you belong? A Arbeccche.
Q Did you know Whitlow Heneha? A yes, sir.
Q What relation was he to you? A My brother.
Q Do you know when he died? A I am not able to state positively as to the exact date of his death but he died a little before people began making selections of land.
Q How long before? A He died either in February or about the first of March, prior to the opening of the Creek Land Office.
Q Had any one that you know filed upon his allotment at the time Whitlow died? A No, sir.
Q How many years do you think he has been dead? A Five years or over I think.
Q Who was Chief of the Creek Nation at the time of his death? A I do not remember.
Q Do you know whether or not a record was made of his death? A William Stoddard may have a record.
Q What relation was he to Whitlow? A No relation. He is Town King of Arbeccche Town and it has been the custom of the Town officers to keep a record of the deaths of members of their towns.
Q What is William Stoddard's post office address? A Morse.
Q Do you know whether or not a record of his death was inscribed on the head-board of his grave? A I think so but the grave-house was built over it after the head-board was put in.
Q what were the names of Whitlow Heneha's [redacted] parents?
A Obeth Heneha and Leha.
Q Are they living? A They are both dead.
Q Do you know Lucinda Lumkins? A Yes, sir.
Q Do you know when she went before the Commission to file upon her land? A yes, sir.
Q How long had Whitlow Heneha been dead at that time? A I think he had been dead between one and two years.
Q Do you remember when the small-pox was raging in this part of the Creek Nation? A Yes, sir.
Q Was Whitlow Heneha living at that time? A I cannot say as to that but I think he died just about the time the pest-house at Hillabee Hutchee was abandoned.
Q Did Whitlow Heneha die in the winter time? A No, sir, he died in the early spring.
Q How high was the grass when he died? A The grass was just beginning to appear and before it was high enough for stock to graze upon.
Q Do you know any one who would be able to give the Commission information as to his death? A I do not know any one except William Stoddard. I have always believed that Whitlow died before the time and have never concerned myself much about his case. He died about the time Losanna Deere died. They died just a few days apart. I understand that Losanna Deere is not entitled to land and if that is so Whitlow is not entitled.

En. 429.----2.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 8 day of April 1905.

Edward Strong
Notary Public.

Mn. 429.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., February 23, 1905.

In the matter of the enrollment of Whitlow Heneha, deceased, as a citizen by blood of the Creek Nation.

BALISSA HENEHA, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Balissa Heneha or King.
Q How old are you? A I was born in 1879.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A No, sir, I am a citizen of the Seminole Nation.
Q Did you know Whitlow Heneha? A Yes, sir, I was brought up with him.
Q What relation was he to you? A I was not related to him by blood but was sort of clan-kin.
Q Do you know when he died? A I think he died sometime in 1898 but I would not be positive. I have a record of his death at home and consulted it yesterday but I have forgotten the date.
Q Did you make that record? A Yes, sir.
Q When did you make it? A On the day following his death, I think.
Q On what is that record made? A It is in an account-book.
Q Is the record which you have at home the one you made at the time of Whitlow's death? A The original record is now in the possession of William Stoddard, Town King, and the record which I have at home is only a transcript taken me at the time I let Stoddard have the original record.
Q To what town did Whitlow Heneha belong? A Arbeccoche.
Q Who were his parents? A His father's name was Obeth Heneha and I have forgotten the name of his mother.
Q How many years do you think he has been dead? A Between seven and eight years.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Whitlow Heneha die before or after the opening of the land office? A He died long before people began taking allotments.
Q Are you positive? A Yes, sir, I am positive.
Q Where does William Stoddard live? A Near Morse. I live about two miles from him.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 8 day of April, 1905.

Edward Merrick
Notary Public.

Ex. 429.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Morse, I. T., March 9, 1905.

In the matter of the enrollment of Whitlow Henehа, deceased, as a citizen by blood of the Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Joe Deere.
Q How old are you? A About fifty-seven.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeccoche.
Q Did you know Whitlow Henehа? A Yes, sir.
Q Was he a member of your town? A Yes, sir.
Q Who were his parents? A Obeth Henehа and Leha Henehа.
Q Do you know when he died? A I do not know but there is a record of his death in my record book.

The witness presents a Day-book containing the record of the births and deaths of various persons. On page 9 of said book is found an entry, written in the Creek language, which is translated by the official interpreter as follows:

"Whitlow Henehа died April 12, 1898."

Q Who made this entry? A Barney Marshall.
Q What relation was Whitlow Henehа to Barney Marshall? A No relation only clan-kin.
Q Do you know when Barney Marshall made this record? A I cannot say whether the record was made on the day Whitlow Henehа died or the next day but it was made about the time he died.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 12th day of May, 1905.

Henry H. Haines
Notary Public.

En. 429.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Morse, I. T., March 9, 1906.

In the matter of the enrollment of Whitlow Heneha, deceased, as a citizen of the Creek Nation.

WILLIAM STODDARD, being duly sworn, testified as follows:
Through Alex Posey official Interpreter:

BY COMMISSION:

Q What is your name? A William Stoddard.
Q What is your age? A Thirty-three.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeccoche.
Q Did you know a member of your town named Whitlow Heneha? A Yes, sir.
Q Do you know when he died? A I have a record of his death.
Q Have you that record now? A Yes, sir.

The witness presents a day-book containing a record of the births and deaths of various persons. On page 199 of said book is found an entry, written in the Creek Language, which is translated by the official interpreter as follows:
"Whitlow Heneha died April 12, 1898."

Q Did you make this record? A No, sir.
Q Who made it? A A former Town King.
Q What is his name? A Tuske Heneha .
Q Do you know when he made it? A About 1898.
Q Was he a relative of Whitlow Heneha? A No, he was the husband of Whitlow Heneha's aunt.
Q Does this record-book belong to your town or to you individually?
A It belongs to my Town.
Q Are you now Town King of Arbeccoche? A Yes, sir.
Q Was this book turned over to you upon your election as Town King?
A Yes, sir.

------:0:------

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 13th day of May, 1906.

Jesse E. Parrish
Notary Public.

COPY.

Cr. I. 150

Muskogee, Indian Territory, December 31, 1903.

E. B. Miller,

Chief Clerk,

Creek Land Office.

Dear Sir:

There has been a question raised as to the right to enrollment as a citizen of the Creek Nation of Whitlow Hennehah, deceased, approved roll No. 556.

You are directed to hold up the matter of making allotments to the heirs of said Whitlow Hennehah, pending the determination of his right to enrollment as a citizen of said nation.

Respectfully,

SIGNED Tams Bixby.

Chairman.

COPY.

Cr. I. 150.

Muskogee, Indian Territory, December 31, 1903.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are advised that on January 27, 1904, the Commission will hear such evidence as may be submitted in the matter of the enrollment of Whitlow Hennehah, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

COPY.

Cr. I, 150.

Muskogee, Indian Territory, December 31, 1903.

Eli Hennehah,

Morse, Indian Territory.

Dear Sir:

Further evidence is desired in the matter of the right to enrollment as a citizen of the Creek Nation of your brother, Whitlow Hennehah, deceased.

You are required to appear before the Commission at its office in Muskogee, Indian Territory, on January 27, 1904, with one witness who knows the date of the death of said Whitlow Hennehah, for the purpose of being examined under oath.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Cr. I. 150.

Muskogee, Indian Territory, January 7, 1904.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

December 31, 1903 you were advised by letter that on January 27, 1904 the Commission would hear such evidence as might be submitted in the matter of the enrollment of Whitlow Hennehah, deceased, as a citizen by blood of the Creek Nation.

Said letter is recalled. If further evidence is desired in the case you will be duly notified.

Respectfully,

Chairman.

8378

Cr. I. 180.

Muskogee, Indian Territory, January 7, 1904.

Eli Hennehah,

Morse, Indian Territory.

Dear Sir:

December 31, 1903 you were advised by letter that further evidence was required in the matter of the death of your brother, Whitlow Hennehah, deceased, and you were required to appear before the Commission on January 27, 1904, with one witness who knows said date, for the purpose of being examined under oath.

Said letter is recalled, and you are now advised that it will not be necessary for you to appear on the day mentioned.

Should further evidence be required in the case you will be duly notified.

Respectfully,

Chairman.

8819

Cr. 150.

Muskogee, Indian Territory, January 7, 1904.

The Honorable

The Secretary of the Interior.

Sir:

The name of Whitlow Hennehah is contained in the partial list of Creek citizens by blood approved March 13, 1902, number 556.

From evidence now on file in this office, it appears that said Whitlow Hennehah died prior to April 1, 1899.

The Commission has the honor to recommend that the matter of said enrollment be reopened and that it be authorized to have a rehearing of the case.

Respectfully,

Commissioner in Charge.

(Copy)

Land
2756-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 28, 1904.

The Honorable

The Secretary of the Interior.

Sir:

Permit me to invite your attention to letter of the Commission to the Five Civilized Tribes, of the 7th instant, saying the name of Whitlow Hennehah is contained in the partial list of Creek citizens by blood approved March 13, 1902, number 556.

From the evidence now on file in the office of the commission it appears that said Whitlow Hennehah died prior to April 1, 1899.

The Commission therefore recommends that the matter of said enrollment be reopened and that it be authorized to have a rehearing of the case.

I concur in the recommendation of the commission.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

(E.B.H.) P.

(Copy)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

E.W.R.
PHB

I.T.D. 788-1904. February 8, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your communication of January 7, 1904, in which you request authority to reopen and rehear the Creek enrollment case of Whitlow Hennehah (Creek 150), because it appears from evidence now on file in your office, that said Hennehah, whose name is borne on the partial list of Creek citizens by blood, approved March 13, 1902, No. 556, died prior to April 1, 1899.

Reporting in the matter January 28, 1904, the Acting Comissioner of Indian Affairs concurs in your recommendation. A copy of his letter is inclosed.

The Department sees no objection to a rehearing in this case, and you are accordingly authorized to reopen the same.

Respectfully,

(Signed
Thos Ryan
Acting Secretary.

1 inclosure.

Mn. 429.
I. 130

Muskogee, Indian Territory, February 15, 1904.

Eli Hennehah,

Morse, Indian Territory.

Dear Sir:

February 5, 1904, the Secretary of the Interior reopened the matter of the enrollment of your deceased brother, Whitlow Hennehah, as a citizen of the Creek Nation, and authorized the Commission to have a rehearing of the case.

Accordingly, you are notified that on March 14, 1904, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence as may be offered by the heirs of said Whitlow Hennehah, deceased, or on their behalf, relative to his right to enrollment as a citizen of the Creek Nation.

You are advised that the Commission desires evidence as to the date of death of said Whitlow Hennehah.

The Creek Nation, at the same time and place, will be permitted to introduce evidence in the case.

Respectfully,

Commissioner in Charge.

Registered.

8813

En. 429
I. 180.

Muskogee, Indian Territory, February 18, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

February 3, 1904, the Secretary of the Interior reopened the matter of the enrollment of Whitlow Hennehah, deceased, as a citizen of the Creek Nation, and authorized the Commission to have a rehearing of the case.

Accordingly, you are notified that on March 14, 1904, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence in the case as may be submitted by the heirs of said Whitlow Hennehah, deceased, and the Creek Nation, relative to his right to enrollment as a citizen of the Creek Nation.

You are advised that the Commission desires that evidence be submitted relative to the date of death of said Whitlow Hennehah.

Respectfully,

Commissioner in Charge.

J.J.B.

En. 429.

Muskogee, Indian Territory, October 3, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

February 3, 1904, the Secretary of the Interior re-opened the case of Whitlow Henneha, deceased, Approved Roll No. 556. Rehearing of the case was set for March 14, 1904, of which the parties in interest were duly notified. No appearances were made on that day nor has any evidence been offered at any time.

You are advised that Eli Henneha of Morse, Indian Territory, is shown to be a brother of said Whitlow Henneha.

You are requested to advise the Commission whether you purpose taking any action in the matter as it is desired that the case be closed as soon as may be without doing injustice to the parties in interest.

Respectfully,

Chairman.

D. D.

Cr #437

Muskogee, Indian Territory, June 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

February 8, 1904, the Department reopened the matter of the right to enrollment of Whitlow Hommehah (deceased), whose name appears on the partial list of citizens by blood of the Creek Nation, approved by the Department March 13, 1902, opposite No. 556.

February 16, 1904, Eli Hommehah and the attorney for the Creek Nation were informed of the action of the Department, and were notified that on March 14, 1904, the Commission, at its office, in Muskogee, Indian Territory, would hear such evidence as they might desire to submit relative to the right to enrollment of said Whitlow Hommehah (deceased) as a citizen by blood of the Creek Nation. No appearances were made on the day set.

November 9, 1904, Joe Deere appeared before the Commission and gave testimony in the case.

January 13, 1905, Eli Hommehah and the attorney for the Creek Nation were again informed of the action of the Department and were notified that the case was set for rehearing February 14, 1905. On the day set, Lucinda Lumkins, sister-in-law of said Whitlow Hommehah (deceased), appeared before the Commission and

Secretary 2.

gave testimony in the case, the Creek Nation being represented by attorney. Further proceedings were had February 21, February 25 and March 5, 1906.

The evidence shows that said Whitlow Hennehah died April 18, 1898.

It appears from the records of the Commission that no action has been taken in the matter of making an allotment of land in the Creek Nation to said Whitlow Hennehah (deceased) or to his heirs.

It is, therefore, respectfully recommended that the enrollment of said Whitlow Hennehah (deceased) as a citizen of the Creek Nation be cancelled, and that his name which now appears opposite No. 566 on the approved roll of citizens by blood of said Nation be stricken from said roll.

A copy of the record in the case is herewith enclosed for Departmental consideration.

Respectfully,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

_____
Chairman.

_____
Commissioner.

_____
Commissioner.

Through the
Commissioner of Indian Affairs.

JFN-5-26

COPY.

Refer in reply to the following:
Land: 46386-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, July 17,1905.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to a communication from the Commission to the Five Civilized Tribes, dated June 14,1905, transmitting a copy of the testimony submitted in the matter of the application of for the enrollment of Whitlow Hennehah, a citizen by blood of the Creek Nation.

February 3,1904, the Department re-opened the matter of the right to enrollment of Whitlow Hennehah, deceased, whose name appears on a partial list of citizens by blood of the Creek Nation, approved by the Department March 13,1902, opposite No. 556.

February 15,1904, Eli Hennehah, and the attorney for the Creek Nation, were informed of the action of the Department, and were notified that on March 14,1904, the Commission would hear such evidence as they might desire to submit relative to the enrollment of said Whitlow Hennehah, deceased, as a citizen by blood of the Creek Nation. The Commission states no appearance was made on the day set; that on November 9,1904, Joe Deere appeared before the Commission and gave testimony in the case; that on January 13,1905, Eli Hennehah, and the attorney for the Creek Nation were again informed of the action of the Department, and were notified that thecase was set for rehearing February 14,1905. On the day set Lucinda Lumpkins

sister-in-law of said Whitlow Hennehah, deceased, appeared before the Commission and gave testimony in the case, the Creek nation being represented by attorney. Further proceedings were had February 21 and 23, and March 3, 1905.

The evidence shows that said Whitlow Hennehah died April 12, 1898. It appears from the records of the Commission that no action has been taken in the matter of making an allotment in the Creek Nation to said Whitlow Hennehah, deceased, or to his heirs, and the Commission therefore recommends that the enrollment of Whitlow Hennehah, deceased, as a citizen of the Creek Nation, be cancelled , and that his name which now appears opposite No. 586, on the approved rolls of citizens by blood of the Creek Nation, be stricken from said roll.

From the testimony submitted in this case, it appears that Whitlow Hennehah died April 12,1898, and as it appears from the records of the Commission that no action has been taken in the matter of making anallotment to him in the Creek Nation, or to his heirs, the recommendation of the Commission that the enrollment of said Whitlow Hennehah, deceased, as a citizen of the Creek Nation, be cancelled, and his name stricken from the approved roll of citizens by blood of said Nation is concurred in.

Very respectfully,

K. C.F.Larrabee,

Acting Commissioner.

CTC.WDW.

#429

I.T.D. 788-1904
8476-1905. GR.LLB.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 7,1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 14,1905, the Commission to the Five Civilized Tribes transmitted a copy of the testimony taken on a rehearing directed by the Department February 3,1904 (I.T.D.788), in the matter of the right to enrollment of Whitlow Hennehah(deceased), whose name appears opposite No. 556 on the partial list of citizens by blood of the Creek Nation approved by the Department March 13,1902.

The testimony shows that the said Whitlow Hennehah died April 12,1898, and is therefore not entitled to enrollment/

The records of the Commission show that no action has been taken in the matter of making an allotment of land in the Creek Nation to the said Whitlow Hennehah (deceased) or to his heirs. The Commission recommended that the enrollment of said Whitlow Hennehah (deceased) as a citizen of the Creek Nation be cancelled and that his name which now appears opposite No. 556 on the approved roll of citizens by blood of said nation be stricken from said roll.

July 17,1905, the Acting Commissioner of Indian Affairs reporting thereon, concurred in the Commission's recommendation. A copy of his letter is enclosed.

The Department concurs in the recommendation made and you are hereby authorized to cancel the name of Whitlow Hennehah (deceased) as a citizen of the Creek Nation, and strike his name from the partial list of citizens by blood of the Creek Nation approved by the Department March 15,1902, opposite No. 556 thereon. Similar authority has been granted this day to the Commissioner of Indian Affairs.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Enc 4279

Cr.I.160
Ex.459.

Muskogee, Indian Territory, August 10,1905.

Eli Hennehah,

Morse, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 7,1905, the Department directed the name of your deceased brother, Whitlow Hennehah, be stricken from the partial list of citizens by blood of the Creek Nation, approved by the Department March 13,1902, opposite No.586.

Respectfully,

Acting Commissioner.

Cr.I.150
M.420.

Muskogee, Indian Territory, August 15,1903.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that under date of August 7,1903, the Department directed that the name of Whitlow Hennehah be stricken from the partial list of citizens by blood of the Creek Nation, approved by the Department March 13,1902, opposite No. 556.

Respectfully,

Acting Commissioner.

Cr. 1,129
Enl. 556.

Muskogee, Indian Territory, August 15,1905.

Wyatt S. Hawkins,

Chief Clerk Creek Land Office.

Dear Sir:

You are hereby notified that on August 7,1905, the Department concurred in the recommendation of the Commission to the Five Civilized Tribes of June 14,1905, that the name of Whitlow Hennehah be stricken from the partial list of citizens by blood of the Creek Nation, approved by the Department March 15,1902, opposite No.556.

You are accordingly directed to cancel said name on the copy of the rolls in your possession.

Respectfully,

Acting Commissioner.

CR EU 430.

CR EU 430

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MAY 12, 1904.

Supplemental testimony

In the matter of the application for the enrollment of Nathan and Ellen Spring as Creek freedmen.

APPEARANCES: R.R.Cravens, attorney for applicants.

Nathan Spring being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Nathan Spring.
Q How old are you? A I am 60 or 65 or 70; some place in there.
Q What is your post office address? A Muskogee.
Q Are you the identical Nathan Spring who on February 13, 1904, made application for the enrollment of yourself and Ellen Spring as Creek freedmen? A Yes sir.
Q Where do you now reside? A In Muskogee.
Q Where have you previously resided? A Fort Smith, Arkansas.
Q Have you any property in Arkansas now? A I have some there.
Q Of what does it consist? A A house and lot.
Q Have you any property in Muskogee, Yes sir.
Q Of what does it consist? A Household goods.
Q Is the household goods you have in Muskogee the same you had in Ft. Smith? A Yes sir.
Q You had it shipped here, did you? A Yes sir.
Q When? A Last Monday a week; the 2nd of May.
Q Where does your wife, Ellen, live now? A In Muskogee.
Q She is here with you, is she? A Yes sir. (Attorney explains: She does not see very well; that is the reason we didn't bring her up; we can if necessary.)
Q Where do you live in Muskogee? A I forget the name of the street; Emporia I think. #304 Emporia St.
Q Who lives there with you? A My wife and daughter.
Q Is she married? A Yes sir.
Q How many rooms in that house? A Four.
Q How many do you occupy? A One and part of the kitchen; we all live there together; my daughter and her family and me and my wife.
Q How much of your household goods did you moved from Ft. Smith?
A I moved it all.
Q Does anyone occupy your property in Ft. Smith? A Yes sir; Gardner
Q Does he rent from you? A Yes sir, rents from the men I turned it over to- my agent.
Q Who is your agent? A Robert Harrison.
Q In Fort Smith? A Yes sir.
Q What is your intention as regards,your property in Ft. Smith?
A My intention is to dispose of it.
Q When A As soon as possible.

By Mr. T.P.Cravens:

Q As soon as you can get a fair price for it; is that what you mean? A Yes sir.

By the Commission:

Q Is it for sale? A I turned it over to Harrison to dispose of it the besthe could.

Examination by Mr. Cravens:

Q Do you regard Muskogee as your present home? A Yes sir.
Q Are you working here? A I expect to go to work in the morning; I have been doing odd jobs.
Q For whom do you expect to go to work? A Some gentleman down here in the livery stable.
Q Mr. New? A Yes sir.
Q You moved here with the intention of making this your home and staying here? A Yes sir.
Q You brought all your household effects with you? A Yes sir all I had; trash.

By the Commission:

Q Have you any horses? A No sir.
Q Any stock of any kind? A No sir; sold that before I left.
Q What did you have? A A horse and cow- pony and cow.
Q Did you sell,them for cash? A Yes sir.
Q To whom did you sell them? A The cow to Mr. Backel.
Q And the horse? A To a man named Ike Birchman or Burkman.
Q Have you,any papers showing that? A No sir, I sold before I left.
Q Did you have a wagon or buggy? A No sir.
Q What other property did you sell them? A That's all; some chickens.

By Mr. Cravens:

Q Your home at Ft. Smith comprises all your property there, does it? A Yes sir.
Q You have no other property of any kind there, have you ? A No sir
Q For how long a time did you rent your house? A I told Harrison to rent it- to dispose of it as quick as possible.
Q Did you set any price on your property there in Ft. Smith? A No sir
Q Did you tell Harrison what price you would take? A I told him to sell it like he would his.
Q His lot adjoins yours? A Yes sir.
Q The only reason that you have not heretofore sold your home is that you have been unable to get a fair price for it? A Yes sir.
Q A reasonable offer? A Yes sir.

Q Who lives in the house with you here in Muskogee? A Laura Quinn and her family; and my wife.
Q Are any of her children of age? A Two.
Q What are their names? A Della Tolliver, she's married; and Bertha Quinn.
Q Where is Della Tolliver now? A Helena Arkansas.
Q Where is Bertha Quinn? A She's in Ft. Smith.

By Mr. Cravens:

Q Is Bertha Quiin married? A No sir.
Q What's she doing in Ft. Smith? A Keeping house for her father.
Q Is she going to school there? A No sir.

By the Commission:

Q Do all the other children of Laura Quinn live h re with her now?
A There is one in Tennessee going to school and there's three boys in Ft. Smith.
Q What children do live here with Laura now? A Isaac and Nathan, the two youngest.

By Mr. Cravens:

Q How many children has she? A Eight.
Q Did you rent that house where you live now? A I rented it from Mr. Smith. We both rent it together, I and Laura Quinn; we both pay $6; I pay $6 and Laura's husband pays $6.

By the Commission:

Q What are those children doing in Ft. Smith? A Going to school; the three boys is.
Q Is Laura Quinn's husband living? A Yes sir.
Q What is his name? A Isaac Quinn.
Q Where does he live at the present time? A In Ft. Smith.
Q Is he engaged in business there , of any kind? A In the post-office.
Q What does he do? A He is janitor of the post office.
Q Do you know why Laura Quinn didn't bring her other children with her or why they didn't come with her? A She wanted to leave them t ere until school was out.
Q The ones that are in Ft. Smith? A Yes sir; said it was only a little while till school was out.
Q Do you know when school is out there? A Sometime next month.
Q Sometime in June? A Yes sir.
Q Is Della Tolliver married? A Yes sir.
Q What is her husband's name? A Robert Tolliver.
Q What is his business? A Preacher.
Q Is he stationed at Helena in that capacity; is he preaching there?
Q Does he stay at any place, or do they change him? A I think he is more of an evangelist; they place him about; he was up at Washington city not long ago.
Q Then he is a traveling Evangelist? A Yes sir.
Q Has no permanent home? A I don't think he has, unless he has just been elected to the church down there.

Henry G. Wains being sworn on his oath states that he is stenographer to the Commission to the Five Civilized Tribes he reported

the above case May 12, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 13th day of May, 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Ter., February 13, 1904.

In the matter of the application for the enrollment of Nathan and Ellen Spring as Creek freedmen.

APPEARANCES: R. R. Cravens, Attorney for applicants.
A. P. Murphy, Attorney for Creek Nation.

NATHAN SPRING, being first duly sworn, testified as follows:

BY THE COMMISSION.
Q What is your name? A Nathan Spring.
Q How old are you? A I believe it is 62 or 63.
Q What is your post office address? A Muskogee.
Q Do you make application for enrollment as a Creek freedman? A Yes, sir.
Q Do you want to make application for any one else? A My wife.
Q What is her name? A Ellen.
Q How old is she? A Fifty some odd.
Q You and Ellen are living together, are you? A Yes, sir.
Q How long have you lived in the Creek Nation? A I have been in and out--I don't know just how long, sir.
Q How long have you been here this time? A I came in Tuesday.
Q Last Tuesday? A Yes, sir; last Tuesday.
Q Where did you come from? A Fort Smith.
Q Where is that? A In Arkansas.
Q How long did you live in Arkansas? A I have lived there since sixty-six--something about that time.
Q Did you own a home in Arkansas? A Yes, sir.
Q Do you still own that home? A Well no, not exactly--I sup ose I have sold it--can't tell for a few days, but think I have sold it.
Q Do you own any other property in Arkansas? A No, sir; none other.
Q Do you own any property in the Creek Nation? A I have a home--no, sir, hav'n't moved yet, but I am boarding with a man.
Q Where are your household effects? A In Fort Smith.
Q Did you ever draw any money from the Creek Nation for yourself and wife? A No, sir.
Q Do the names of yourself and your wife appear on the Dunn Roll? A Yes, sir.

The Dunn Roll examined and the name of Nathan Spring found thereon at number 982; the name Ellen Spring found thereon at number 983.

The 1890 and 1895 and 1891 and 1895 omitted rolls of the Creek Nation examined and the names of neither of the applicants found thereon.

Witness excused.

By Mr. Cravens: Direct Examination.

Q Have you moved here? A Partly.
Q What do you mean by partly? A I brought the most of my wearing goods--stuff.
Q Have you come to stay? A Yes, sir.
Q You say you have some household effects in Arkansas? A Yes, sir.

(Continued) Direct Examination.

By Mr. Cravens.

Q When are you going to bring them up here? A They may be shipped now, I don't know.
Q Have you ordered them shipped? A Yes, sir.
Q Then you declare your intention now of becoming a resident of the Creek Nation? A Yes, sir.

CROSS EXAMINATION

By A. P. Murphy:

Q What did you come here for, Mr. Spring? A I came here to live.
Q Is that all? A To become a citizen--a law abiding citizen.
Q Just a law abiding citizen--is that all? (No response).
Q Come here to get on the rolls, didn't you? A Yes, sir.
Q Well your household goods are in your house at Fort Smith? A Yes, sir; they was when I left there, but I wrote to a man to have them shipped here.
Q You left them just as you lived there in the house? A Yes, sir.
Q You didn't know until after you god here that you had to ship them here, did you? A Yes, sir; I knowed I had to ship them here, of course, before I left home.
Q When you left there, you didn't know whether you would move them here or not, did you? A That was my intention.
Q But you didn't pack them up? A No, sir; didn't have time.
Q What was the hurry? A When I first thought of coming, my wife taken sick and we decided not to come. Then. I saw Colonel Cravens and he said to come on right up at once.
Q You say you moved to Fort Smith in sixty-six? A Yes, sir.
Q Been living there ever since? A Yes, sir.
Q Up tillwhen--last Tuesday, I believe you said? A I left there last Tuesday.
Witness excused.

JOHN LEWIS, being first duly sworn, testified as follows:

BY THE COMMISSION.
Q What is your name? A John B.Lewis.
Q How old are you? A Why I am about forty.
Q What is your post office address? A Wybark.
Q Are you a member of Arkansas Town? A Yes, sir.
Q Member of the House of Warriors, are you? A Yes, sir.
Q Do you know Nathan Spring and his wife, Ellen? A Yes, sir.
Q How long have you known them? A Forty some odd years.
Q Do you identify these applicants as being Nathan and Ellen Spring?
A Yes, sir; I do.
Q You gave some testimony at Okmulgee last October in the matter of accounting for people on the Creek tribal rolls, didn't you?
A Yes, sir; I did.
Q At that time you gave testimony in regard to these two applicants?
A These two persons that I refer to.
Q You stated in your testimony at that time that they were in Fort Smith, Arkansas? A Yes, sir.

CROSS EXAMINATION

By A. P. Murphy:

Q Are they any relation to you, John? A My aunt.
Q The first time you ever knew them was in Fort Smith, was it? A No,

John Lewis, witness.

Direct Examination (Con.)

By A. P. Murphy:

sir; I knew them in the Creek Nation before they went there. The time my mother died, she came up and staid here with us--that was in '86.
Q That is the first time you ever seen her, was it? A No, sir; I have been seeing her all the time.
Q But she was living in Fort Smith all the time? A She lived at Fort Smith, but of course in '70 my grandmother and her lived at Fort Gibson; we hadn't come over into the Creek Nation yet.
Spring.
Witness excused.

NATHAN SPRING, BEING RECALLED, testified as follows:
By A. P. Murphy:
Q When were you married? A Sometime in '65.
Q How long after? A I don't know, sir, how long.
Q Had the war closed? A Oh, yes sir.
Q Well how long after the war closed was it you married? A It couldn't been over two years--I don't suppose over two years.

By Mr. Cravesn:
Q Was it that long? A It may not be that long.

By A. P. Murphy:
Q Who was president of the United States at the time you married?
A I forget, sir.
Q It wasn't Lincoln, was it? A No, sir; I think it was Buchannan.
Q Where was you when they was making a roll around here of the freedmen? A I was in Fort Smith.
Q Did they come over there to see you? A No, sir.
Q Well who put your name on the roll? A I think my wife's father did--had it done.
Q What was his name? A Dick Lewis.
Q At the time that roll was made then, you wasn't living in the Creek Nation at all--wasn't living in the Indian Territory?
A I suppose not, sir.
Q How long had you been living in Fort Smith at that time? A I don't really know, sir.
Q A year? A I suppose so.
Q About a year? A I suppose so, I don't really know.

By R. R. Cravens:

Q Well when was it you lived at Fort Gibson--well when was it you were there, I don't believe you ever lived there? I don't know how many times I have been there, but I have not been in Gibson, until I came through there here, for a year or more.
Q When you came up here, you intended, didn't you, to have your household goods follow you? A Yes, sir.
Q And you have now written ordering them to be shipped to you?
A Yes, sir.
Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states that as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 15th day of February, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver Hinkle

Subscribed and sworn to before me this 15h day of February, 1904, at Muskogee, Indian Territory.

Charles H. Sampey

Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

En. 430

In the matter of the application for the enrollment of Nathan and Ellen Spring as Creek freedmen.

DECISION.

The record in this case shows that on February 13, 1904, Nathan Spring appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his wife, Ellen Spring, as Creek freedmen. Further proceedings in the matter of said application were had May 12, 1904.

The evidence shows that said Nathan and Ellen Spring are identified on the roll of Creek Freedmen made by J.W.Dunn prior to March 14, 1867.

The evidence further shows that the applicants were non-residents of Indian Territory March 1, 1901, and that they have in good faith removed to the Creek Nation.

It is, therefore, the opinion of the Commission that Nathan Spring and Ellen Spring should be enrolled as Creek freedmen in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

Dated at Muskogee, I.T.

MAY 27 1904

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLEN B. BEALL,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

G Cr 470.

Muskogee, Ind. Ter., May 12, 1904.

RECEIVED of the Commission to the Five Civilized Tribes one copy of the Testimony in the matter of the application for the enrollment of Nathan and Ellen Spring as Creek freedman. (Testimony of date February 13, 1904).

Attorney for applicants.
R R Cravens

3910

Cr. No. 456. 3910

Muskogee, Indian Territory, May 27, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Nathan and Milen Spring as Creek Freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Nathan and Milen Spring will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Chairman.

MGM-1-27.

June 11

No. 430.

Muskogee, Indian Territory, July 12, 1904.

Reuben Spring,
Muskogee, Indian Territory.

Dear Sir:

You are advised that your name and the name of your wife, Ellen Spring, are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior June 28, 1904, and that application for a selection of land in the Creek Nation may now be made for yourself and wife at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EU 431

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 9, 1904.

In the matter of the application for the enrollment of Wittson Weaver as a Creek Freedman.

Delila Perry being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Delila Perry.
Q How old are you? A Going on 23 years old.
Q What is your post office address? A Its Okemah now/
Q Are you a citizen of the Creek Nation? A Yes sir.

Records of the Commission examined and it appears that Delila Perry is listed for enrollment on Creek Freedman card Field No. 474 and that her name is contained in a list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, approved roll No. 1811.

Q Who is it you apply for now? A Wittson Weaver.
Q Is he your child? A Yes sir.
Q Is he living? A Yes sir.
Q How old is he? A Going on six years old.
Q When was he born? A I disremember now whether it was in October 27;he is going on six years.

witness excused and Polly Perry called and sworn; testified as follows:
By the Commission:
Q What is yur name? A Polly Perry.
Q How old are you? A I can't tell exactly. (Appears to be about 60)
Q What is your post office address? A Okemah.
Q Are you Delila Perry's mother? A Yes sir.
Q Do you know a child of hers named Wittson Weaver? A Yes, I am the grandmother of it.
Q How old is that child? A Going on six years old.
Q Do you know the date of its birth? A Yes sir.
Q When was it? A I don't remember; I know it is going on six years
Q You say the child is living? A Yes sir, its living right at home
Q Who has the child? A Its right home there with me.
Q The mother lives there with you too? A Yes sir.

Witness excused, and Lige Canard, called and sworn, testified as follows:

By the Commission:
Q What is your name? A Lige Canard.
Q How old are you? A About 47.
Q What is your post office address? A Paden.

Q Do you know Dallie Posey? A Yes sir.
Q Is she living now? A Yes sir.
Q What [illegible] to [illegible] sister's daughter.
Q Was she a married woman Weaver? A Yes sir.
Q Is that child living? A Yes sir.
Q Live with her? A Yes sir, her and grandmother.
[illegible] A He did, I [illegible].
Q About how old is the boy? A He seems to be five or six years old; a good sized boy.

An affidavit heretofore filed concerning the birth of Wittson Weaver is made part of the record herein.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 9, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 16th day of February 1904.

Charles H. Sawyer

Notary Public.

176 Fr. 474

IN RE

Application for Enrollment of

INFANT CHILD

Nittion Reaver

as a citizen of

Creek Nation.

Approved, ... 190..

Commissioner.

Mother on Pr Ca. # 474

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Sept 3, 1901
ACTING CHAIRMAN.

Rec'd 9 3 01.

FIRST AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Wittion Weaver (Here insert name of child), born on the 27th day of October, 18[illegible]

Name of Father: Tom Weaver, a citizen of the U S Nation.

Name of Mother: Delilla Perry, a citizen of the Creek Nation.

Post-office, Brearden I T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Delilla Perry, on oath state that I am 23 years of age and a citizen, by blood, of the Creek Nation; ~~that I am the lawful wife of~~ Tom Weaver, father, who is a citizen, by ~~[illegible]~~, of the U States ~~Nation~~; that a male (male or female) child was born to me on the 27th day of October 1898; that said child has been named Wittion Weaver, and is now living.

Delilla Perry

WITNESSED TO MARK: (Must be Two Witnesses)

Subscribed and sworn to before me this 17th day of July 1901.

Jeffrison Maynard NOTARY PUBLIC.

Com Ex 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Polly Perry, a Midwife, on oath state that I attended on Mrs. Delilah Perry, wife of [illegible], on the 27th day of October, 1898; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Wittion Weaver.

Polly Perry her mark

WITNESSED TO MARK: (Must be Two Witnesses) H H Holman, Jeff P Maynard

Subscribed and sworn to before me this 17th day of July 1901.

Jeffrison P Maynard NOTARY PUBLIC.

Com Ex 1903

En 431.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Wittson Weaver as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on February 9, 1904, Delila Perry appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Wittson Weaver, as a Creek Freedman.

The evidence shows that said Wittson Weaver was between five and six years old and living at the date of the application herein.

The evidence further shows that he is the child of Delila Perry whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 1811.

It is, therefore, the opinion of the Commission that Wittson Weaver should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

MAR 14 1904

No. 483.

Muskogee, Indian Territory, March 16, 1906.

A. P. [illegible],

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Wittson Weaver as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if at the expiration of that time no such protest has been made, said Wittson Weaver will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner in Charge.

HGH-3-15-13.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMULGEE, I.T., NOVEMBER 29th, 1903.

In the matter of accounting for those persons whose names appear on the Creek tribal rolls, who died prior to April 1st, 1899, and are not shown on said rolls to have been otherwise accounted for.

JIM ALEXANDER, being first duly sworn by R. R. Cravens, notary public testified as follows: (David Harry, sworn interpreter)

BY THE COMMISSION:
Q What is your name? A Jim Alexander.
Q How old are you? No answer. Appears to be about 40 years old.
Q What is your postoffice address? A Calvim.
Q Are you a member of the House of Warriors for Tokpafke Town?
A Yes, sir.

The object of this examination is to ascertain who of Tokpafke Town died before the opening of the Creek Land Office. (April 1st, 1899.)

1890 ROLL:
Q Tahope? A He died way before the land office opened.
Q Robert Bruner? A He died before the land office opened.
Q Hepsey Bruner? A She died way before the land office opened.
Q George Hawkins? A Died long time before the land office opened too.
Q Sarah Hickory? A Died long before the land office opened.
Q Wakoche? A He is living.
Q Does he ever go by any other name? A They used to call him Ceacoche Harjo.
Q Do you know whether he has filed or not? A No, sir, I don't know.
Q Has he some one in his family named Lizzie? (1895 Roll)
A She died a long while ago.
Q Before the land office opened? A Yes, sir.
Q Micco Harjo? A He died before the land office.
Q Sisey Harjo? A Died before land office.
Q Lapar? A Died before the land office opened too.
Q Pikey Freeman? A That was my sister. She died before the land office opened.
Q Nancy Freeman? A Died before the land office.
Q Hoththeheye? A Died before the land office opened.
Q Kacheskey? A Died before the land office opened.
Q Lochihsey? A Died before the land office opened.
Q Wisey? A I know she is dead, but I don't know how long she has been dead.
Q Takosa Harjo? A (#1290) A He died in June, 1898.

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the matter of the above and foregoing, and that same is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before me this the 7th day of December, A. D., 1903, at Muskogee, Indian Territory.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. AUGUST 15, 1904.

Supplemental testimony

In the matter of the enrollment of Sish Bruner, deceased, as a citizen by blood of the Creek Nation.

(February 8, 1904, the Department reopened the matter of the enrollment of Sish Bruner, whose name appears on the partial list of citizens by blood of the Creek Nation approved by the Department November 14, 1902, #9981, and authorized the Commission to have a rehearing in the case.)

APPEARANCE: M. L. Mott, Attorney for Creek Nation.

James Alexander being duly sworn, testified as follows through Alex Posey, official interpreter:

Examination by the Commission:

Q Give your name, age and post office address? A I don't know my correct age; James Alexander; Calvin.
Q Do you know-- did you know Sish Bruner? A Yes sir.
Q Was he also called Takosa Harjo? A Yes sir.
Q He is dead, is he? A Yes sir.
Q Do you know when he died? A I don't know when he died but know he died the same year that Robert Alexander and Milen Williams died; and I was present at the burial.
Q Do you know what month he died in? A No sir.
Q You are a member of the House of Warriors for Topofka town are you? A Yes sir.
Q Did Sish belong to your town? A Yes sir.
Q Do you remember giving evidence concerning the members of your town last November at Okmulgee? A Yes sir.
Q Do you remember of giving some evidence then in regard to Takosa Harjo? A I remember making a statement that he was dead.
Q You stated then that he died in June, 1898. A He says 'Probaly I thought that he died about that time'.
Q Was Sish Bruner living when the Creek Land Office opened? A I [illegible] the statement that he died prior to the opening of the land office, and I still think so; that's my reason for wanting to make the investigation today.
Q Did he die before Milen Williams or after? A I don't know.
Q How far did he live from you when he died? A About 8 miles.
Q Which died first, Sish Bruner, or Robert Alexander? A I think Robert died prior to Sish Bruner.
Q What year did Robert die? A 1898.
Q Did Robert die before the Creek Land Office opened? A I have always thought so but his parents did not agree with me.
Q Did Milen Williams die before the Creek Land Office opened? A She died about the same time as the rest of them; the same year, summer of the same year, these three people; I can't be positive as to dates.
Q Had anyone in your neighborhood filed on land when these people died? A No one had filed; none of my neighborhood had filed on their land; so far as I know, many of them have not yet. Many of my immediate neighbors belong to the Snake Faction.

Q You remember filing on your own land? A Yes sir.
Q How long had Sish Brumer been dead when you filed on your land?
A I don't know how long but I knew that Sish Brumer was dead when I filed on my land.
Q How long has Robert Alexander been dead? A I can't say
Q Have you any children? A No sir.
Q Have you any children dead? A No sir.

(It is ordered that copies of this testimony in this case be made part of the record in the matter of the application for the enrollment Robert Alexander made this day.)

Henry C. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Hains.

Subscribed and sworn to before me this 22 day of August, 1904.

H. C. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Calvin, I. T., December 4, 1906.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Sish Brumer, deceased, as a citizen of the Creek Nation.

DAVID KERROD, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A David Kerrod.
Q How old are you? A Forty-four.
Q What is your post office address? A Calvin.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tuskegee.
Q Did you know a member of your town named Sish Brumer? A Yes, sir
Q How long has he been dead? A He died in June, 1906--I do not remember the day.
Q Are you positive of the date? A Yes, sir.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did he die before or after the opening of the Creek Land Office? A He died before.
Q Were you present at the time of his death? A I was not present when he died but I assisted at his burial and took part at the funeral services.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes on hearing in said cause on said date.

D C Skaggs.

Subscribed and sworn to before me this 20 day of December, 1906.

Edward Sweet
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Carson, I. T., January 26, 1906.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Siah Bruner, deceased, as a citizen by blood of the Creek Nation.

JAMES SMITH, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A James Smith.
Q How old are you? A About sixty-six.
Q What is your post office address? A Carson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Pukkon Tullahassee.
Q Do you hold any official position in the Creek Nation? A I am president of the House of Kings.
Q Did you know Siah Bruner? A Yes, sir, I was well acquainted with him.
Q To what town did he belong? A Tukpofka.
Q Did he hold any official position in the Creek Nation? A He was Town King.
Q Do you know when he died? A I do not know how long he has been dead but I know that he died since the land office opened.
Q How many years do you think he has been dead? A I do not know how many years it has been but I think it was the year the land office opened, but some time after people began making selections of land. I was present at his funeral. I know that he died since the land office opened because Lewis Alexander was present and had taken his allotment. Lewis Alexander has since died.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs,

Subscribed and sworn to before me this 7 day of February, 1906.

Notary Public.

No. 432.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CALVIN, I. T., AUGUST 31, 1906.

In the matter of the application for the enrollment of Siah Bruner, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL.

LUCY ANDERSON being duly sworn testified as follows: Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

Q What is your name? A Lucy Anderson.
Q How old are you? A I am about 43 years old.
Q What is your postoffice address? A Calvin.
Q Are you a citizen of the Creek Nation? A Yes sir, I belong to Coweta town.
Q Were you acquainted with Siah Bruner? A Yes sir, I knew him.
Q Was he sometimes called Takosa Harjo? A Yes sir, that was his Indian name.
Q Do you know when he died? A I cannot name the year of his death but he had been dead about two years before the Creek Land Office opened.
Q What circumstances fixes it in your mind that he died before the opening of the Creek Land Office? A I fix the date of his death by the death of Ellen Williams, a daughter of my uncle Charles Williams. She died on the 4th day of July 1898.
Q How long had Siah Bruner been dead when Ellen Williams died?
A She died in the second year after Siah died.
Q Are you positive of that? A Yes sir.
Q Was Siah Bruner a neighbor of yours? A Yes sir.
Q Were you present at either his death or funeral? A I was not present when he died and was not present when he was burried but members of my household were present at his funeral. I am positive as to the death of Ellen Williams because she died at my house and I cared for her during her illness, and I am equally positive that Siah Bruner had been dead about two years when Ellen died.
Q To what Creek town did Siah Bruner belong? A Tokpafka, he was a member of the Creek Council from that town, and died while in office.
Q Was Siah Bruner a relative of yours, or not? A No sir, he was no relation of mine, only a neighbor.
Q Did Siah Bruner have a family? A He has a son and daughter living, Sindy and John Bruner. He married a Weogusky woman but had separated from her and was living alone at the time of his death. This woman was a sister of Arseer Okfuske Harjo.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B Myers

Subscribed and sworn to before me this 27 day of September, 1906.

Notary Public.

JEM

CREEK

32

Ex 437

IN RE
THE DEATH OF

A CITIZEN OF THE

Nation

Approved 190

Commissioner

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the foregoing copy of the affidavit in the matter of the death of Siah Bruner, a Creek citizen, from the original affidavit in said matter, and that the same is a true and correct copy of said affidavit.

Muskogee, Oklahoma.
April 15, 1909.

Subscribed and sworn to before me this 15th day of April, 1909.

Notary Public.

(COPY)

22

Department of the Interior,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Siah Bruner
(Here insert name of deceased)

a citizen of the Creek Nation, who formerly resided at or near Holdenville (Here insert name of post office) Ind. Ter., and died on the 20th day of June, 1899

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA
INDIAN TERRITORY,
Western District.

I, John Bruner, on oath state that I am 29 years of age and a citizen, by blood, of the Creek Nation; that my postoffice address is Calvin (Here insert name of postoffice) Ind. Ter.; that I am son (State relationship: as the father; an uncle; a cousin, etc.) of Siah Bruner (Here insert name of deceased) who was a citizen, by blood, of the Creek Nation and that said Siah Bruner (Here insert name of deceased) died on the 20th day of June, 1899

WITNESSES TO MARK:

(SEAL)

(Must Be Two Witnesses)

(Signed) John Bruner

Subscribed and sworn to before me this 5th day of July 1902

W. S. Boren
Notary Public.

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA,
Indian Territory,
Western District

I, Charles Williams, on oath state that I am 51 years of age, and a citizen by blood of the Creek Nation; that my postoffice address is Calvin (Here insert name of postoffice) Ind. Ter.; that I was personally acquainted with Siah Bruner (Here insert name of deceased) who was a citizen, by blood, of the Creek Nation; and that said Siah Bruner (Here insert name of deceased) died on the 20th day of June, 1899

(Signed) Charles Williams

WITNESSES TO MARK:

(SEAL)

(Must Be Two Witnesses)

Subscribed and sworn to before me this 5th day of July 1902

W. S. Boren
Notary Public.

IN RE
THE DEATH OF

A CITIZEN OF THE

Nation

Approved

190

Commissioner

Ex 434

The undersigned, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she made the foregoing copy of the affidavit in the matter of the death of Siah Bruner, a Creek citizen, from the original affidavit in said matter, and that the same is a true and correct copy of said affidavit.

Muskogee, Oklahoma.
April 15, 1909.

Subscribed and sworn to before me this 15th day of April, 1909.

Notary Public.

Cr. I. 4290

Muskogee, Indian Territory, January 9, 1904.

E. B. Miller,
Chief Clerk,
Creek Land Office.

Dear Sir:

You are directed to hold up the matter of making allotments in the Creek Nation to the heirs of Siah Bruner, deceased, Roll No. 9561, until further instructed.

Respectfully,

Commissioner in Charge.

Creek I. 4290.

Muskogee, Indian Territory, January 11, 1904.

The Honorable

The Secretary of the Interior.

Sir:

July 5, 1902 an affidavit was filed with the Commission from which it appears that Siah Bruner died June 20, 1899. His name is contained in the partial list of Creek citizens by blood approved by the Department November 14, 1902, No. 9581.

November 28, 1903, Jim Alexander, a member of the House of Warriors of the Creek Nation from Topofka Town, the town to which Siah Bruner belonged, appeared before the Commission and stated under oath that said Siah Bruner died in June, 1898.

In view of the evidence, the Commission has the honor to recommend that the enrollment of Siah Bruner be reopened and that it be authorized to have a rehearing of the case.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

M 904

Muskogee, Indian Territory, January 13, 1904.

Hon. P. Porter,

Principal Chief, Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

If in your possession, will you please return to this office, Deed No. 15581, for the heirs of Siah Bruner, deceased, Creek Roll No. 9581, which deed is shown by our records to have been forwarded to you for delivery to allottees, as it appears that a question has arisen as to the right of said Siah Bruner to enrollment as a citizen of the Creek Nation.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 1002-1904. February 8, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 8, 1904, the Acting Commissioner of Indian Affairs submitted your letter of January 11, 1904, in which you state that you were informed by an affidavit that Siah Bruner, whose name appears on partial roll of Creek citizens by blood approved by the Department November 12, 1902, opposite number 9581, died June 20, 1899.

It appears that on November 28, 1903, Jim Alexander, a member of the House of Warriors of the Creek Nation, appeared before your Commission and stated under oath that Siah Bruner died in June, 1896. In view of this evidence you recommend that the enrollment of Siah Bruner be reopened and that you be authorized to have a rehearing in the case.

The Acting Commissioner recommends that the authority requested be granted. Concurring in said recommendation, the Department hereby grants the authority requested.

Respectfully,

(signed) Thos Ryan.

Acting Secretary.

I.T.8290.

Muskogee, Indian Territory, February 18, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

February 8, 1904, the Secretary of the Interior reopened the matter of the enrollment of Siah Bruner, deceased, as a citizen by blood of the Creek Nation, and authorized the Commission to have a rehearing of the case.

Accordingly, you are notified that on March 14, 1904, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence as may be presented by or on behalf of the heirs of said Siah Bruner, deceased, and the Creek Nation, concerning the right to enrollment of said Siah Bruner, deceased.

The Commission desires that evidence relative to the date of the death of said Siah Bruner be submitted.

Respectfully,

Commissioner in Charge.

I. 4290

Muskogee, Indian Territory, February 18, 1904

John Bruner,

Calvin, Indian Territory.

Dear Sir:

February 8, 1904, the Secretary of the Interior reopened the matter of the enrollment of your deceased father, Siah Bruner, as a citizen by blood of the Creek Nation, and authorized the Commission to have a rehearing of the case.

Accordingly, you are notified that on March 14, 1904, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence as may be offered by the heirs of said Siah Bruner, deceased, or on their behalf, concerning the right to enrollment of said Siah Bruner, deceased. At the same time and place the Creek Nation will be permitted to introduce evidence in the case.

The Commission desires that evidence relative to the date of the death of said Siah Bruner be submitted.

Respectfully,

Commissioner in Charge.

Register.

REFER IN REPLY TO THE FOLLOWING

No. 432.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Holdenville, Indian Territory, October 4, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith the testimony of Lucy Anderson, taken by the Creek Field Party August 31, 1906, in the matter of the enrollment of Siah Bruner, deceased, as a citizen by blood of the Creek Nation.

The testimony of John Bruner which is desired in this case will be forwarded as soon as same has been secured.

Respectfully,

In Charge,
Creek Field Party.

JBM

432

INDEXED

43533 OCT 5 [illegible]

Posey, Alex.,
Holdenville, I. T.,
Creek Nation,
Oct. 4, 1906.

Transmits testimony in re application of Siah Bruner, dec. for enrollment as a Creek.

REFER IN REPLY TO THE FOLLOWING:
No. 432.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Dustin, Indian Territory, December 11, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Siah Bruner, deceased, as a citizen by blood of the Creek Nation, I have the honor to report that the Creek Field Party is unable to secure further evidence in said cause.

The copies of record are returned herewith.

Respectfully,

In Charge,
Creek Field Party.

JBM

INDEXED

COMMISSIONER TO FIVE CIVILIZED TRIBES
No. 53795
Received DEC 12 1906
Book Page

Posey, Alex,
Dustin, I. T.,
Dec. 11, 1906.

Transmits copies of records in re appliaction for enrollment of Siah Bruner, deceased.

CORRESPONDENT

Muskogee, Oklahoma, April 16, 1909.

Subject:
Status relative to enrollment of Siah Bruner.

The Honorable,

The Secretary of the Interior,

Sir:

On January 11, 1904, the Commission to the Five Civilized Tribes, reporting to the Department in the matter of the right to enrollment of Siah Bruner, deceased, whose name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior November 14, 1902, opposite roll number 9581, recommended, in view of the statement made under oath before the Commission, on November 28, 1904, by Jim Alexander, a member of the House of Warriors of the Creek Nation from Tokofka Town, to the effect that said Siah Bruner died in June 1898, that the matter of his enrollment be reopened and authority granted the Commission to have a rehearing in the case.

On February 8, 1904, (I.T.D.1002-1904), the

Secretary of Interior--#2

Department reopened said case and authorized the Commission to have a rehearing in same.

In accordance with the authority so granted testimony in this matter was taken upon proper notice to all parties in interest, on August 15, 1904, at Muskogee; on December 8, 1904, at Clavin, Indian Territory; on January 26, 1905, at Carson, Indian Territory, and on August 31, 1906, at Calvin, Indian Territory. The Commissioner has to report that further efforts were made to secure additional testimony in this matter, but without success.

The testimony so taken, while conflicting to some degree, is to the effect that said Siah Bruner died prior to April 1, 1899, and I respectfully recommend that opposite the name of said Siah Bruner on the approved roll of Creeks by blood, number 9981, the following notation be placed, in accordance with departmental decision of April 2, 1907, in the case of Moses Riley, et al.: "Died prior to April 1, 1899; not entitled to allotment."

The complete record in the case is herewith enclosed.

Respectfully,

SCP(JPS)
16-1
1 Incl.

Commissioner.

Through the Commissioner
of Indian Affairs.

(Copy)

Land
29692-1909
J K D

1-37615

Enrollment of Siah Bruner, a deceased Creek Indian.

MAY 31 1909

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed a report of the Commissioner to the Five Civilized Tribes, dated April 16, 1909, forwarding the record relative to thedate of the death of Siah Bruner, whose name appears opposite No. 9581 on a schedule constituting a part of the final roll of citizens by blood of the Creek Nation, approved by the Secretary of the Interior on November 14, 1902.

Subsequent to the enrollment of Siah Bruner, a hearing was had and testimony taken, upon proper notice to all parties in interest, in reference to the date of the death of the person named.

Inasmuch as the evidence shows that Siah Bruner died prior to April 1, 1899, he was not entitled to enrollment under Section 28 of the Act of Congress approved March 1, 1901 (31 Stat.L.,861), ratifying the agreement with the Creek tribes of Indians.

The Office therefore concurs in the recommendation of the Commissioner to the Five Civilized Tribes that there be

L-29892-2.

placed on the copies of the final roll of citizens by blood of the Creek Nation in the possession of the Department, this Office, and the office of the Commissioner to the Five Civilized Tribes, opposite the name of Siah Bruner, appearing thereon at No. 9581, the following notation:

> Died prior to April 1, 1899; not entitled to allotment;

and that no allotment be made in his name.

Very respectfully,

(Signed) R. G. Valentine,

Acting Commissioner.

EH-19
1162

Department of the Interior,
Office of Indian Affairs
Approved May 22, 1909

(Copy) (Signed) Frank Pierce

First Assistant Secretary.

1-11330

(COPY)

Land
29892-1909
J E D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS, C.R.
WASHINGTON, MAY 28 1909

Enrollment case of
Siah Bruner.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Oklahoma.

Sir:

Referring to your report of April 16, 1909, forwarding the record relative to the date of the death of Siah Bruner, whose name appears opposite No. 9581 on a schedule constituting a part of the final approved roll of citizens by blood of the Creek Nation, you are advised that the Department on May 22, 1909, authorized that there be placed on the copies of the above mentioned roll in possession of the Department, this Office and your office, opposite thename of Siah Bruner thereon, the following notation:

"Died prior to April 1, 1899;
not entitled to allotment."

The Department also directed that no allotment be made in his name. A copy of approved Office letter of May 21, 1909, is inclosed for your further information.

Very Respectfully,

(Signed) C F Hauke

Chief Clerk.

OGP-26
1511

Residence

Post Office Calvin Ind Ter

Cherokee NATION. Cherokee ROLL.

Card No.

Field No. 4290

Dawes' Roll No.		NAME.	Relationship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT. Year.	County.	Page.	TRIBAL ENROLLMENT OF PARENTS. Name of Father.	Year.	County.	Name of Mother.	Year.	County.
9581	1	Brumer, Dick		57	M	Cher	1890	Delaware	204	Tahlee Harjo	dead	Delaware	Full blood Cherokee	dead	Delaware
	2														
	3														
	4		No 1 on '90 roll as "Totsee Harjo"												
	5		" " '95 " " " "												
	6		Affdvt & proof Jim Alexander PO Calvin testifies 4/28/02												
	7		that Nat died in June 1898												
	8		Dau on July 1902 by John Brumer, son and												
	9		Charles Williams that Nat died June 20, 1899.												
	10		Response 2/19/02												
	11														
	12														
	13														
	14														
	15														
	16														Apl 17, 1902
	17														
	18														

CA EW 433

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 17, 1904.

In the matter of the application for the enrollment of Addie Peters, deceased, as a Creek Freedman.

(The office of Mr. A.P.Murphy, Creek attorney, was called and the Commission was notified that he was out of the city.)

Julia Peters being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Julia Peters.
Q How old are you? A I am thirty-four.
Q What is your post office address? A Bristow.
Q Do you make application for the enrollment of Addie Peters?
A Yes sir.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Are you the mother of Addie Peters? A Yes sir.
Q What is the name of her father? A John Peters.

The records of the Commission show that John and Julia Peters are listed for enrollment on Creek Freedman Card field No. 1277, and that their names are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, numbers 4406 and 4407, respectively.

Q When was Addie Peters born? A In the year 1900---
Q Is she living or dead? A She's dead.
Q How old was she when she idied? A A year and five months I think
Q When did she die? A In the year of 1900.
Q Have you a child named Lemmie? A Yes sir.
Q Which is the eldest Lemmie or Addie? A Addie was born first.
Q How long before? A About two years I think and some months.
Q Was Addie Peters living when Lemmie was born? A No sir.
Q How long had she been dead? A A year I believe and some months.
Q What time of the year did Addie Peters die? A In Spring ; its in June.
Q You say she died a year and some months before Lemmie was born?
A Yes sir.

Excused, and Havanah Alex called and sworn, testified as follows:

By the Commission:

Q What is your name? A Havanah Alex.
Q How old are you? A I am fifty-five.

Q What is your post office address? A Bristow.
Q Do you know John and Julia Peters? A Yes sir.
Q Did you know a child of theirs named Addie? A Yes sir.
Q Were you present when the child was born? A Yes sir; I waited on her.
Q Do you know when that child was born? What date? A Yes sir.
Q When was it? A 1898.
Q Do you know what day and month? A January 18th.
Q How old was that child when it died? A A year and five months old
Q Do you know a child named Lemmie Peters? A Yes sir.
Q Was Addie dead when Lemmie was born? A Yes sir.
Q How long had she been dead? A She had been dead something over a year when he was born; he was born in December I believe.
Q She had been dead something over a year when he was born? A Yes sir.

The records of the Commission show that the name of Lemmie Peters is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1905, No. 4466, and that he died December 21, 1899.

Affidavits heretofore filed in the matter of the birth and death of said Addie Peters are made part of the record herein.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 17, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 17th day of February, 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory.
January 21, 1905.

In the matter of the application for the enrollment of Addie Peters, deceased, as a Creek Freedman.

October 11, 1904, the Commission denied the application for the enrollment of Addie Peters, deceased, as a Creek Freedman.

December 5, 1904, the Department remanded the case with instruction that further testimony be taken to show the exact date of Addie Peter's death. Pursuant to said instructions, On December 13, 1904, the Commission notified Julia Peters and the attorney for the Creek Nation that on January 16, 1905, in the office of the Commission in Muskogee, Indian Territory, such evidence would be heard that might be offered on behalf of the heirs of said Addie Peters relative to the date of her death.

No appearance was made on said date.

This day Julia Peters and Ben Alex appear for the purpose of [redacted] testimony.

The office of the Creek Attorney was communicated with and the Commission informed that he was not in.

JULIA PETERS, being duly sworn, testified:

By Commission.

Q What is your name? A Julia Peters.
Q Are you the identical Peters who made application for the enrollment of a child February 17, 1904. A Yes, sir.
Q What is your post office address? Bristol, Indian Territory.
Q Have you a child named Addie Peters? A Yes, sir.
Q Is she living? A No, she is dead.
Q How old was she when she died? A A year and near six months.
Q When did she die? A She died in the year of 1889, I think.
Q I will ask you again, in what year did your child, Addie Peters, die? A 1898, I think.
Q Have you a child named Lemmie? A Yes, sir.
Q Which is the oldest Lemmie or Addie? A Addie.
Q Was Addie born first? A Yes, sir.
Q How long was Addie born before Lemmie? A Nearly two years.
Q Was Addie Peters living when Lemmie Peters was born? A No, sir.
Q How long had she been dead? A I don't know. Nearly two years, I think.
Q What time of the year did Addie Peters die? A Dead in the Spring.
Q Early Spring or late Spring? A Late Spring.
Q When was your child, Lemmie Peters, born? A Along in year of 1899, I believe.
Q What month? A In December.
Q What day? A I can not tell just exactly what day.
Q You say that your child, Addie Peters, died about two years before Lemmie was born? A Yes, sir.
Q Are you certain that Addie died at least one year before Lemmie was born? A Yes, sir.
Q Do you remember making the affidavit about the birth of your child, Lemmie Peters? A Yes, sir.
Q In that you stated the birth of Lemmie? A Yes, sir.
Q In that you stated that your child, Lemmie Peters, was born on the twenty-first day of December, 1899, and signed that affidavit. Is that date correct? A Yes, sir.
Q This affidavit appears to have been made on the first day of

March, 1900. Was that just a short while after Lemmie Peters was born that that was made? A Yes, sir.
Q Are you certain that Addie Peters died more than a year before Lemmie was born? A Yes, sir.
Q Are you sure of that? A Yes.
Q Who was the father of Addie Peters? A John Peters.
Q Is he living? A No, sir, he is dead.
Q Did he make that affidavit about Lemmie Peters' birth? A Yes, sir, him and my mother.
Q What was her name? A Havanah Alex.
Q Or Alexander? A That is it.
Q Why did you not bring Havanah Alex in with you to-day? A I couldn't. She lives up at Bristol and I did not know that you needed her.

BEN ALEX, being duly sworn, testified:

By Commission:
Q What is your name? A Ben Alex.
Q Are you ever called Ben Alexander? A Sometimes but when I register I register as Ben Alex.
Q How old are you? A About fifty-six.
Q What is your post office address? A Bristol, Indian Territory.
Q Do you know Julia Peters and John Peters? A Yes, sir.
Q Is John Peters alive? A No, sir, he is dead.
Q Who is Julia Peters? A My daughter.
Q Do you know a child named Addie Peters? A Yes, sir.
Q Were you present when that child was born? A No, sir, I was not present but she was born at my house.
Q How long after she was born before you saw her? A The same night.
Q When was she born? A 1898, as near as I remember.
Q What month? A In January.
Q Is Addie Peters living or dead? A She is dead.
Q Has your daughter, Julia Peters, a child named Lemmie? A Yes, sir.
Q Do you know when this child, Lemmie, was born? A No, sir.
Q Was this child, Addie Peters, living when Lemmie Peters was born? A She was dead at that time.
Q How long had Addie Peters been dead when Lemmie Peters was born? A Something over a year.

---------:O:---------

I, Zera Milan Parrish, asstenographer to the Commission to the Five Civilized Tribes reported the above case, and on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause.

Zera Milan Parrish

Subscribed and sworn to before me this 21 day of January, 1905.

Edward Brainard
Notary Public.

No. 488.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 24, 1903.

In the matter of the application for the enrollment of Addie Peters as a Creek Freedman.

APPEARANCES: T. M. Cobb, representing Creek Nation.

HAVANA ALEX, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Havana Alex.
Q Did you ever go by the name of Havana Alexander? A Yes, sir, but they call me Havana Alex for short.
Q What is your age? A Fifty-five, past.
Q What is your postoffice address? A Eufaula.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Do you know Julia Peters? A Yes, sir.
Q Do you know her children? A Yes, sir.
Q Did you know Addie Peters? A Yes, sir.
Q Do you know Lemmie Peters? A Yes, sir.
Q Is Addie Peters living? A No, sir, she is dead.
Q Were you present when Addie was born? A Yes, sir.
Q When was she born? A She was born, as near as I can remember, in 1898.
Q Do you mean 1898? A Yes, sir, as near as I can recollect.
Q Do you know when she died? A She died in June; I do not know just what time in the month she died.
Q Do you know the year in which she died? A 1899--that's the time she died.
Q Were you present when Lemmie Peters was born? A Yes, sir.
Q Which was born first, Lemmie or Addie? A Addie.
Q How long before Lemmie Peters was Addie born? A Addie was born something over a year--close on to two years before Lemmie, as near as I can commit it to memory.
Q Was Addie living when Lemmie was born? A No, sir.
Q How long had she been dead? A I don't know, Lemmie was born after she died.
Q About how long? A About two years, as near as I can commit it to memory.
Q Are you certain that Addie Peters died over one year before Lemmie was born? A Yes, I am certain of that.

LEVI COBB, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Levi Cobb.
Q How old are you? A Somewhere about forty-nine.
Q What is your postoffice address? A Wriston.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Julia Peters? A Yes, sir.
Q Are you any relation to Julia Peters? A I'm no kin to her.
Q Has she any children? A Yes, sir.
Q What are their names? A The one - name what died was a girl, the

Addie Peters----(?).

[illegible]

Q [illegible] Addie was born? A Yes, sir.

Q [illegible]

Q Do you know when Lonnie was born? A No, sir.

Q Do you know which was born first, Addie or Lonnie? A Addie was born first.

Q Was Addie living when Lonnie was born? A No, sir.

Q How long had Addie been dead when Lonnie was born? A I don't know exactly.

Q Had she been dead five years? A I do not know; did not keep account.

Q Was it four years? A No, sir, it could not be four.

Q Was it three? A I could not tell exactly.

Q Are you sure it was as much as one year? A I do not know.

HAVANA ALLEN, recalled, testified:

By Commission:

Q Do you know when Lonnie Peters was born? A I do.

Q Do you know the year? A I do not know exactly, but I can remember when she was born.

Q Do you remember coming here and making out an affidavit about the birth of Lonnie Peters somewhere about three or four years ago? A Yes, sir.

Q You remember that? A Yes, I remember.

Q They put down the date of birth of Lonnie Peters at that time--? A I do not know whether they put it down or not.

Q You gave them the date of birth to put down? A Yes, sir.

Q How old was Lonnie Peters at that time? A I do not know; she was [illegible].

Q You stated in that affidavit that Lonnie Peters was born on the [illegible] day of [illegible]ecember, 1899, is that correct? A Yes, that is correct.

Q How long before the birth of Lonnie did Addie die? A As near as I can commit it to memory it was more than a year.

Q You are sure, then, that Addie had been dead one year before Lonnie was born? A I said over one year as near as I could commit it to memory.

I, Cora Allen Parrish, on oath state that, as stenographer for the Commission to the Five Civilized Tribes, the above and foregoing is a full, true and correct transcript of my stenographic notes as to as in said cause.

Cora Allen Parrish

Subscribed and sworn to before me this [illegible] day of February, 190[illegible].

[illegible signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T. May 31, 1904.

Supplemental Testimony.

In the matter of the application for the enrollment of Addie Peters as a citizen of the Creek Nation.

M. F. Williams, being duly sworn testified as follows:

Q State your name, age, and post office. A M. F. Williams, Muskogee, I. T., Age 53.
Q You are a practicing physician, are you not? A Yes, sir, have been for thirty-three years.
Q Do you know Ben and Julia Peters? A Yes, sir.
Q Do you know a child of theirs named Addie? A I cannot say about the name; I prescribed for a child of theirs that was sick.
Q Do you know that was her child? A Yes, sir, I am satisfied it was.
Q Will you state what your note-book shows regarding the child of Julia Peters? A It shows that I prescribed for some member of Ben Alcok's family on the twenty-first day of June, 1900; I presume it was that child because the rest of the family had moved away at that time, and I have never treated any member of that family except that baby, so can safely swear that that was it.
Q Do you know whether the child is living? A I heard that it was dead; I do not know anything about it. I heard it died shortly after that.

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Lucy M. Bowman, being first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case, on May 31, 1904, and that the above is a full, true and correct transcript of her stenographic notes in same.

Lucy M Bowman

Subscribed and sworn to before me this 31st Day of May 1904.

Charles H Sawyer
Notary Public.

No. 433
E. C. G.
8.813

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Addie Peters, deceased, as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on February 17, 1904, Julia Peters appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Addie Peters, deceased, as a Creek Freedman.

Further proceedings in the matter of said application were had on May 31, 1904.

The evidence shows that said Addie Peters died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Addie Peters, deceased, as a Creek Freedman, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,

INDIAN TERRITORY

OCT 11 1904

Affidavits filed in this case are very conflicting, but Julia Peters, mother of child, and Savannah Alex, midwife who attended her, both testify that Addie died more than a year prior to birth of Lemmie Peters. Our records show that Lemmie was born Dec. 21, 1899.

I believe she should be denied enrollment

G.D.K

8/8/04

IN RE
THE DEATH OF

a citizen of the

Nation.

Approved 190

Commissioner.

DEPARTMENT OF

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the death of Addie Peters
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at
Bristow, Ind. Ter., and died on the 24 day of
June, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, Julia Peters, on oath state that I am 33
years of age and a citizen, by adoption, of the Creek Nation;
that my postoffice address is Bristow, Ind. Ter.; that I am
(Here insert name of postoffice.)
the mother of Addie Peters,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)
who was a citizen, by adoption, of the Creek Nation;
and that said Addie Peters died on the 24 day of
(Here insert name of deceased.)
June, 1899.

Julia Peters

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 23 day of May, 1902.

William J. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.

I, , on oath state that I am
years of age, and a citizen by , of the Nation;
that my postoffice address is , Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with
(Here insert name of deceased.)
who was a citizen, by , of the Nation;
and that said died on the day of
(Here insert name of deceased)
, 1 .

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this day of 190 .

Notary Public.

IN RE
THE DEATH OF

.....

a citizen of the

..... Nation.

Approved 190

.....

Commissioner.

(Copy)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Addie Peters (Here insert name of deceased)

a citizen of the Creek Nation, who formerly resided at or near Bristow (Here insert name of postoffice), Ind. Ter., and died on the 27 day of April, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, John Peters, on oath state that I am 29 years of age and a citizen, by adoption, of the Creek Nation; that my postoffice address is Bristow, Ind. Ter.; that I am father (State relationship as: the father or uncle of a child; etc.) of Addie Peters (Here insert name of deceased), who was a citizen, by adoption, of the Creek Nation; and that said Addie Peters died on the 27 day of April, 1899.

John Peters

Witnessed by MARK (Here write "mark")

Subscribed and sworn to before me this day of July, 1899.

W. J. Wiland
Notary Public.

Com'n exp 3/11/1900

AFFIDAVIT OF ACQUAINTANCE

UNITED STATES OF AMERICA, Indian Territory, Northern District.

I, Levi Cobb, on oath state that I am 45 years of age, and a citizen, by adoption, of the Creek Nation; that my postoffice address is Bristow, Ind. Ter.; that I was personally acquainted with Addie Peters (Here insert name of deceased), who was a citizen, by adoption, of the Creek Nation; and that said Addie Peters died on the 27 day of April, January, 1899.

Levi J Cobb

Witnessed by [illegible] (Here write "mark")

Subscribed and sworn to before me this 5 day of July, 1899.

W. J. Wiland
Notary Public.

Expires 3/11/1900

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of

Nation.

Approved

1901

Commissioner.

BIRTH AFFIDAVIT. (Copy)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Addie Peters (Here insert name of child), born on the 14 day of Jan, 1898

Name of Father: John Peters a citizen of the Creek Nation.

Name of Mother: Julia Peters a citizen of the Creek Nation.

Post-office Bristow

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, Julia Peters, on oath state that I am 32 years of age and a citizen, by adoption, of the Creek Nation; that I am the lawful wife of John Peters, who is a citizen, by adoption, of the Creek Nation; that a female (Male or female) child was born to me on 14th day of Jan 1898; that said child has been named Addie Peters, and is ~~now living~~ died on 27th day of April 1899.

Julia Peters

WITNESSES TO MARK:

(Must be Two Witnesses.)

Leal

Subscribed and sworn to before me this 22 day of July 1901

My Com Ex 3/18/05

T. J. Lilland
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, Havana Alexander, a midwife, on oath state that I attended on Mrs. Julia Peters, wife of John Peters on the 14 day of Jan, 1898; that there was born to her on said date a female (MALE OR FEMALE) child; that said child is now living and is said to have been named Addie Peters & that she died on April 27 - 1899

her
Havana X Alex
mark

WITNESSES TO MARK:

T. J. Lilland

(Must be Two Witnesses.)

Lebi J Cobb

Subscribed and sworn to before me this 22 day of July 1901

Leal

My Com Ex 3/18/1905

T. J. Lilland
NOTARY PUBLIC

COPY.

Muskogee, Indian Territory, March 8, 1904.

Julia Peters,

Bristow, Indian Territory.

Dear Madam:

The Commission is in receipt of a letter from T. J. Lillard dated March 5, 1904, in which it is stated that you desire to know what disposition has been made of the application for the enrollment of Addie Peters. You are advised that the Commission has not rendered a decision in this case. When a decision is rendered in this case you will be notified and furnished with a copy thereof.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Creek No. 433.

Muskogee, Indian Territory, October 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Addie Peters, deceased, as a Creek Freedman, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Tams Bixby.
Chairman.

Through the Commissioner of
Indian Affairs.

HGH-L.-10-17

No. 433.

Muskogee, Indian Territory, October 17, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Addie Peters, deceased, as a Creek Freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

MOM-k-10-17

Cr. Bk. 138.

Muskogee, Indian Territory, October 17, 1906.

Julia Peters,
Bristow, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of your minor child, Addie Peters, deceased, as a Creek Freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Register
WGH-j-10-17

Refer to reply to the following:
Land,
74,090-1904.

(Copy)

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Oct. 29, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application, made February 17, 1904, for enrollment as a Creek freedman, by Julia Peters for her deceased child, Addie Peters.

October 11, 1904, the Commission decided adversely to the applicant on the ground that Addie Peters died prior to April 1, 1899.

The record shows that the names of John and Julia Peters, his wife, are identified on a partial list of Creek freedmen, approved by the Department March 28, 1902, numbers 4406 and 4407; that Addie Peters was born to them January 14, 1898. The record further shows that Addie Peters died April 27, 1899, or on June 24, 1899.

In view of the record it is recommended that the decision of the Commission adverse to the applicant be reversed and the deceased child, Addie Peters, be duly enrolled as a Creek freed-

man under the provisions of the Act of Congress approved March 1,1901, (31 Stats., 861).

Very respectfully,

A.C.Tonner,
Acting Commissioner.

(M.M.M.) P.

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Received
OCT 11 1904
No. 2 of No. 11124

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RFH

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 11124-1904. December 8, 1904.

RR

Commission to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Gentlemen:

The Department is in receipt of your communication of October 17, 1904, transmitting the record in the matter of the application for the enrollment of Addie Peters, deceased, as a Creek freedman. It appears in your decision of October 11, 1904, denying the application, that "the evidence shows that said Addie Peters died prior to April 1, 1899."

Reporting October 29, 1904, the Acting Commissioner of Indian Affairs states that the record shows that Addie Peters was born January 14, 1898, and died on April 27, 1899 or on June 24, 1899, and he therefore recommends that your decision be reversed and the applicant be enrolled as a Creek freedman under the provisions of the act of March 1, 1901 (31 Stat., 861). A copy of the Acting Commissioner's letter is enclosed herewith.

The Department is unable to find in the record proper evidence that Addie Peters died "prior to April 1, 1899."

The testimony of Julia Peters, mother of Addie Peters, deceased, shows that she stated that her said child died "in the year of 1909 * * * * * in Spring; its in June."

This is either a misstatement on the part of the witness as to the year in which said child died, or an error in the transcription of the stenographic notes. The mother also testified that Addie Peters was about one year and five months of age when she died.

The testimony of Havansh (or Hanava) Alex, the midwife in attendance at the birth of Addie Peters, shows that said child was born January 15, 1898, and that she was "a year and five months old at the time of her death."

The statement is made on page 2 of the testimony that:

"The records of the Commission show that the name of Lemmie Peters is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, No. 4408, and that he was born December 21, 1899."

The testimony shows that Addie Peters had died "a year * * * * * and some months" before Lemmie Peters was born, but no testimony whatever was taken in this case to show the date of the birth of Lemmie Peters.

The affidavit of John Peters, father of Addie Peters, dated July, 1901, appears to show that she died April 21, 1899, although the figures designating the year have been changed.

The affidavit of Levi J. Cobbs, of July 22, 1901, shows that Addie Peters died June 24, 1899. In this affidavit also the figures "1899" have apparently been written over other figures.

The affidavit of Julia Peters dated July 22, 1901,

85050 INDEXED

47308

Department,
Ryan,
Washington, D.C.,
December 5, 1904

Returns, for the procurement of additional evidence, record in the application for the enrollment of Addie Peters, deceased, as a Creek freedman.

shows that Addie Peters was born "Jan." (or "Jun.") 14, 1898, and died April 27, 1899.

The affidavit of Havana Alex, mid-wife, dated July 22, 1901, shows that Addie Peters was born "Jan." (or Jun.") 14, 1898, and that she died April 27, 1899. The last "9" in the figures "1899" in this affidavit, seems to have been written over the figure "8".

The affidavit of Julia Peters, dated May 25, 1903, shows that Addie Peters died June 24, 1899.

While all of the testimony and said affidavits tend to show that Addie Peters was living on April 1, 1899, and that she died either in April or June, 1899, the record in the case is herewith returned with the request that further testimony be taken to show, if possible, the exact date of Addie Peters' death.

Respectfully,

2 inclosures.

Acting Secretary.

8869

Creek En. 433

Muskogee, Indian Territory, December 15, 1904.

Julia Peters,

Bristow, Indian Territory.

Dear Madam:

October 11, 1904, the Commission denied the application for the enrollment of your deceased child, Addie Peters, as a Creek freedman. December 5, 1904, the Department remanded the case with instructions that further testimony be taken to show, if possible, the exact date of Addie Peters' death.

You are hereby notified that the Commission will on January 16, 1905, at its office in Muskogee, Indian Territory, hear such evidence as may be offered on behalf of the heirs of said Addie Peters relative to the date of her death. The Creek Nation will at the same time and place be given an opportunity to introduce evidence in the case.

Respectfully,

Chairman.

Register.

J.W.3

Cr. Mn. 433

Muskogee, Indian Territory, December 13, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

October 11, 1904, the Commission denied the application for the enrollment of Addie Peters, deceased, as a Creek freedman. December 5, 1904, the Department remanded the case with instructions that further testimony be taken to show, if possible, the exact date of Addie Peters' death.

You are hereby notified that the Commission will on January 16, 1905, at its office in Muskogee, Indian Territory, hear such evidence as may be offered on behalf of the heirs of said Addie Peters relative to the date of her death. The Creek Nation will at the same time and place be given an opportunity to introduce evidence in the case.

You are advised that John and Julia Peters of Bristow, Indian Territory, are the parents of said Addie Peters.

Respectfully,

Chairman.

D. D.

Or En 439

Muskogee, Indian Territory, June 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

October 17, 1904, the Commission transmitted to the Department the record in the matter of the application for the enrollment of Addie Peters (deceased) as a Creek Freedman, together with the decision of the Commission, rendered October 11, 1904, denying said application.

December 8, 1904, the Department returned the record in the case, stating in its letter of transmittal (I.T.D.11124-1904) that all of the testimony and certain affidavits in the record tended to show that Addie Peters was living April 1, 1899, and that she died either in April or June, 1899, and directing the Commission to take further testimony to show, if possible, the exact date of Addie Peters' death.

December 13, 1904, Julia Peters and the attorney for the Creek Nation were notified that the Commission would, on January 16, 1905, at its office, in Muskogee, Indian Territory, hear such evidence as they might desire to submit relative to the

date of death of said Addie Peters. No appearances were made on the day set.

On January 21, 1905, Julia Peters, the mother, and Ben Alex, the grand-father; and on February 24, 1905, Levi J. Cobb, an acquaintance, and Havana Alex, the grand-mother of said Addie Peters (deceased), appeared before the Commission at its office, in Muskogee, Indian Territory, and gave testimony in this case. The mother of said Addie Peters (deceased) testified that the child died in 1899, but she later corrected this statement and gave 1898 as the year in which the death occurred. She further stated that she had a child named Lemmie Peters; that Lemmie Peters was born in the month of December, 1899, and that said Addie Peters died nearly two years before Lemmie Peters was born. Ben Alex (or Alexander) testified that he was the grand-father of Addie Peters (deceased); that she was born in the month of January, 1898; that he did not know when Lemmie Peters was born, but that Addie Peters died something over a year before the birth of said Lemmie Peters. Levi J. Cobb testified that he was not related to Addie Peters; that Addie Peters was born June 16, 1898; that she died before Lemmie Peters was

born, but that he did not remember how long before. Havana Alex (or Alexander) testified that she attended at the birth of said Addie Peters (deceased and that said child was born in 1898. Upon being asked if she did not mean 1899, she replied that she did. She further testified that Addie Peters died in 1899; that she knew Lommie Peters, and that she was certain that Addie Peters died more than one year before Lommie was born; that she remembers coming before the Commission and making affidavit relating to the birth of Lommie Peters; that at the time said affidavit was made, Lommie was a nursing baby, and that the date given in the affidavit was correct.

It is apparent from all the testimony that the witnesses in this case know nothing whatever about dates; that in fact, even the numbers of years are to them meaningless jumbles of figures, recognizable by the familiarity of the sound of the spoken number rather than by any clear idea of what the number means.

The affidavit relating to the birth of Lommie Peters was executed by Julia Peters and Havana Alexander on the first day of March, 1900. The affiants therein state that said Lommie Peters was born December 21, 1899. The fact that this affidavit was executed about three months and ten days after the event it

Secretary 4,

records, and the further fact that Havana Alex testified that at the time this affidavit was executed Lemmie Peters was a nursing baby, makes the date therein given one that can be considered correct; at any rate, it is certain that Lemmie Peters was born before March 1, 1900, the date on which the affidavit was executed. The witnesses all testify positively that Addie Peters died more than one year before Lemmie Peters was born. It is, therefore, clear that said Addie Peters died prior to April 1, 1899.

The Commission has the honor to recommend that its decision of October 11, 1904, denying the application for the enrollment of said Addie Peters (deceased) as a Creek Freedman be affirmed.

The record in the case is enclosed for Departmental consideration.

Respectfully,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

JUN 14 1905

Chairman.

Commissioner.

Through the
Commissioner of Indian Affairs.

JT-4-13-A

Commissioner.

No. 433.

Muskogee, Indian Territory, January 24, 1905.

Julia Peters,

Bristow, Indian Territory.

Dear Madam:-

In the matter of the application for the enrollment of your minor child, Addie Peters, deceased, as a Creek Freedman, you are advised that the Commission desires further evidence in the case.

You are hereby notified that you will be allowed thirty days from date hereof within which to bring before the Commission Havanah Alex, midwife, and Levi J. Cobbs, and such other witnesses as you may desire to produce, for the purpose of being examined under oath relative to the date of birth and death of your said child.

Respectfully,

Chairman.

Register.

Y

DEPARTMENT OF THE INTERIOR,

I.T.D.8020-1905
J.P.

Washington. D.C.P.F.M.E
July 29, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 17, 1904, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Addie Peters, deceased, as a Creek Freedman, including your decision of October 11, 1904, rejecting the application for the reason that it appeared from the evidence that the applicant died prior to April 1, 1899.

On December 5, 1904, the Department remanded the record with the request that further testimony be taken to show if possible the exact date of the applicant's death. On June 14, 1905, the Commission returned the record in said case to the Department It appears therefrom that further testimony was taken January 21, 1905, and February 24, 1905. It is shown by the affidavit of Julia Peters, mother of Addie Peters, also the affidavit of Havanah E. Alexander (Alex), midwife, and the affidavit of John Peters, the father of said Addie Peters, that Lemmie Peters, also a child of John and Julia Peters, was born December 21, 1899 Julia Peters and Havanah E. Alexander(Alex) also testified that said Lemmie Peters was born December 21, 1899. Julia Peters also testified that Addie Peters died in 1898; that her death occurred nearly two years before Lemmie was born. She was certain that Addie died one year before Lemmie was born. Ben Alexander)or Alex) testified that Addie had been dead something over a

year before Lemmie was born. Savanah Alexander (or Alex) testified that Addie Peters died in 1899. Later in her testimony she stated that Addie died about two years before Lemmie was born.

Forwarding your report July 1, 1905, the Indian Office renewed its recommendation of October 29, 1904, that the Commission's decision adverse to the applicant be reversed and that she be enrolled as a Creek freedman. A copy of its letter is inclosed.

It appears from the record as shown by the evidence above set forth that the applicant died prior to April 1, 1899. The decision of the Commission adverse to her enrollment is therefore affirmed.

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure

Refer in reply to the following:
Land,
46389-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington. July 1, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to the Department letter of December 5, 1904 (I.T.D. 11124-1904) I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 14, 1905, in the matter of the application for enrollment as a Creek Freedman of Addie Peters, deceased.

I renew my recommendation of October 29, 1904 (Land 74090-1904) that the decision of the Commission adverse to Addie Peters be reversed and that she be enrolled as a Creek Freedman.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

M.M.M.
W.

En.433.

Muskogee, Indian Territory, August 9, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of July 29, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes dated October 11, 1904, denying the application for the enrollment of Addie Peters, deceased, as a Creek freedman.

Respectfully,

Acting Commissioner.

No.433

Muskogee, Indian Territory, August 9, 1905.

Julia Peters,

Bristow, Indian Territory.

Dear Madam:

You are hereby notified that under date of July 29, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes dated October 11, 1904 denying the application for the enrollment of Addie Peters, deceased, as a Creek freedman.

Respectfully,

Acting Commissioner.

CR EN 434

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., October 13, 1902.

In the matter of the application of Barney Leader for the enrollment of his minor child, Thomas Leader, deceased, as a citizen, by blood, of the Creek Nation.

Barney Leader, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Barney Leader.
Q What is your age? A Along about thirty.
Q What is your post office address? A Calvin, I.T.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your wife? A Tilda.
Q Has she also been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Barney and Tilda Leader are listed for enrollment as citizens of the Creek Nation on Creek Indian Card, Field No. 2236.

Q For whom do you now make application for enrollment?
A Thomas Leader.
Q Is Thomas Leader now living? A He is dead.
Q When did he die? A He died in 1900.
Q When was he born? A The 22nd day of December.
Q In what year? A In 1899.
Q About how old was he when he died? A Well, I just don't remember, but it was getting along up eight or nine months old when he died.
Q Do you recollect when you filed on your allotment here in the Creek Nation? A In the spring of the year.
Q In what year? A 1901.
Q Was Thomas Leader living at that time? A No, sir; he wasn't living.

The records of the Commission examined and it appears therefrom that Barney Leader filed on his allotment in the Creek Nation on April 11, 1901.

Barney Leader

Subscribed and sworn to before me this 13th day of October, 1902, at Muskogee, Indian Territory.

W. S. Boren
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB.25, 1904.

En.434

Supplemental testimony

in the matter of the application for the enrollment of Thomas Leader as a citizen by blood of the Creek Nation.

APPEARANCE: A.P.Murphy:

Tilda Leader being duly sworn testified as follows:- through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Tilda Leader
Q How old are you? A A little over thirty.
Q What is your post office address? A Calvin.
Q Are you a citizen by blood of the Creek Nation? A Yes sir.
Q Are you the mother of Thomas Leader? A Yes sir.
Q Is he living or dead? A Dead.
Q What is the name of his father? A Barney Leader.

The records of the Commission show that Barney and Tilda Leader are listed for enrollment on Creek Indian card Field No. 2236 and that their names are included in the partial list of Creek citizens by blood approved March 28, 1902, numbers 6802 and 6803, respectively

Q When was Thomas Leader born? A I don't know.
Q Is that your child you have here with you? A Yes sir.
Q How old is that child? A Two years and three months old.
Q Did Thomas Leader die before that child was born? A Yes sir.
Q How long before? A Nearly a year.
Q How old was Thomas when he died? A Nearly two years old; was born in December and died the next October; nearly a year old; no, I was mistaken.
Q How old was Thomas when he died? A Nearly a year old.
Q Could he walk? A Yes sir.
Q Could he talk? A Yes, he was beginning to talk.
Q Have you any children between this child here and Thomas? A I have a little baby; this one is next to Tommie.

Witness excused and Barney Leader called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Barney Leader.
Q How old are you? A I am about going on thirty-three.
Q What is your post office address? A Calvin.
Q Are you the father of Thomas Leader? A Yes sir.
Q Do you know when he died? A I don't know exactly; he wasn't a year old yet after he born until he died.

Q How old is this child that's here with you? A Two years and two months old.
Q Was Thomas dead when that child was born? A Yes sir.
Q How long had he been dead then? A About a year.

The child that is present and which Barney and Tilda Leader say is their child appears to be fully two years old.

Q This child you have with you is next to Thomas, is he? A Yes sir
Q Do you know Abraham Givens? A Yes, he is dead.
Q Do you remembergoing before him and making an affidavit? A Yes sir.
Q Do you remember about how long Thomas had been dead when you made that affidavit? A It was not quite a year after Thomas died.
Q Do you know what month he died in? A Pretty ne ar Christmas when he died; November it must have been along in there- September or November; it was fall of the year when he died.
Q He died the fall of the year before you made the affidavit before Givens? A Yes sir.

The records of the Comission show that on May 4, 1901, Barney Le Leader executed an affidavit before Abraham M. Givens, Notary Public in which it is stated that Thomas Leader died on the 9th day of November, 1900.

Q I understand you to say that he was nearly a year old when he died? A Yes sir.
Q What month was he born in? A 22nd of December.
Q Just before Christmas, was it? A Yes sir.

Examination by Mr. Murphy:

Q Was you over to Okmulgee when t e supplemental treat was ratified
A Yes sir.
Q Was Thomas Leader living or dead then? A He was dead then.
Q How long had he been dead? A At that time it wasn't quite a year I think.

(Statement: The Creek Nation has no other evidence to offer.)

Barney Leader has other witnesses present but the evidence offered is deemed ample in the case, the Creek Nation concurring with the Commission.

Henry G. Hains being sworn on his oath state that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 23, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 25th day of February, 1904.

Edward Merritt.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind.Ter., October 13, 1902.

In the matter of the application of Barney Leader for the enrollment of his minor child, Thomas Leader, deceased, as a citizen, by blood, of the Creek Nation.

Barney Leader, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Barney Leader.
Q What is your age? A Along about thirty.
Q What is your post office address? A Calvin, I.T.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your wife? A Tilda.
Q Has she also been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that Barney and Tilda Leader are listed for enrollment as citizens of the Creek Nation on Creek Indian Card, Field No. 2236.

Q For whom do you now make application for enrollment?
A Thomas Leader.
Q Is Thomas Leader now living? A He is dead.
Q When did he die? A He died in 1900.
Q When was he born? A The 22nd day of December.
Q In what year? A In 1899.
Q About how old was he when he died? A Well, I just don't remember, but it was getting along up eight or nine months old when he died.
Q Do you recollect when you filed on your allotment here in the Creek Nation? A In the spring of the year.
Q In what year? A 1901.
Q Was Thomas Leader living at that time? A No, sir; he wasn't living.

The records of the Commission examined and it appears therefrom that Barney Leader filed on his allotment in the Creek Nation on April 11, 1901.

Barney Leader

Subscribed and sworn to before me this 13th day of October, 1902, at Muskogee, Indian Territory.

W. B. Bowen
Notary Public.

IN RE
THE DEATH OF

Thomas Leader

a citizen of the

Nation.

Approved 1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Feby 6 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Thomas Leader (Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Calvin (Here insert name of post office.), Ind. Ter., and died on the 22nd day of October, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, (INDIAN TERRITORY,) Northern District.

I, Barney Leader on oath state that I am 29 years of age and a citizen, by Blood, of the Creek Nation; that my post office address is Calvin (Here insert name of post office.), Ind. Ter.; that I am the father (State relationship, as: the father; an uncle; a cousin, etc.) of Thomas Leader (Here insert name of deceased.), who was a citizen, by Blood, of the Creek Nation; and that said Thomas Leader (Here insert name of deceased.) died on the 22nd day of October, 1901

Barney Leader

WITNESSED TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 6th *day of* February 1902

William T Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, (INDIAN TERRITORY,) Northern District.

I, Lucy Anderson, on oath state that I am 39 years of age, and a citizen, by Blood, of the Creek Nation; that my post office address is Calvin (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Thomas Leader (Here insert name of deceased.), who was a citizen, by Blood, of the Creek Nation; and that said Thomas Leader (Here insert name of deceased.) died on the 22nd day of October, 1901

Lucy Anderson

WITNESSED TO MARK

(Must be Two Witnesses.)

Subscribed and sworn to before me this 6th *day of* February 1902

William T Martin
Notary Public.

Creek Card No. 2236.

IN RE
THE DEATH OF

Thomas Leader
a citizen of the
Creek Nation.

Approved 1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
May 7 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Thomas Leader
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Calvin (Here insert name of post office.), Ind. Ter., and died on the 9th day of November
1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY,)
Central District. }

I, Barney Leader, on oath state that I am 25
years of age and a citizen, by Birth, of the Creek Nation;
that my post office address is Calvin (Here insert name of post office.), Ind. Ter.; that I am
the Father of Thomas Leader (Here insert name of deceased.),
(State relationship, as: the father; an uncle; a cousin, etc.)
who was a citizen, by Birth, of the Creek Nation;
and that said Thomas Leader (Here insert name of deceased.) died on the 9th day of
Nov., 1900. Barney Leader

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 4th day of May 1901.
Abraham M. Gimenez
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY.)
Central District. }

I, Lucy Anderson, on oath state that I am 35
years of age, and a citizen, by Birth, of the Creek Nation;
that my post office address is Calvin (Here insert name of post office.) Ind. Ter.;
that I was personally acquainted with Thomas Leader (Here insert name of deceased.)
who was a citizen, by Birth, of the Creek Nation;
and that said Thomas Leader (Here insert name of deceased.) died on the 9th day of
November, 1900. Lucy Anderson

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 4 day of May 1901.
Abraham M. Gimenez
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

En. 434

8813

In the matter of the application for the enrollment of Thomas Leader, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on October 13, 1902, Barney Leader appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased minor child, Thomas Leader, as a citizen by blood of the Creek Nation. Further proceedings in the matter of said application were had February 23, 1904.

The evidence shows that said Thomas Leader was born December 22, 1899, and died in the month of November, 1900; that he was the child of Barney and Tilda Leader whose names are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, numbers 6802 and 6803, respectively.

It is, therefore, the opinion of the Commission that Thomas Leader, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Ruddick

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

FEB 3 - 1905

Testimony Febry 23/04 - Child with her at the time
2 years and three months old which would place the event
about November 1. 1901. Thomas had been dead about
a year according to the evidence when [illegible] was nearly a
year old at death - The affidavit presented before
Given was on May 4. 1901 and evidence shows Thomas
to have died the fall before

7/16/04 - JFS

434

Dow

OCN

COPY.

D. A. 123

Muskogee, Indian Territory, November 18, 1905.

Tilda Leader,

Calvin, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits relative to the birth and death of your minor child, Thomas Leader, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Creek En 634

Muskogee, Indian Territory, February 8, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Thomas Leader (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Thomas Leader (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JYK-7-76.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 23, 1904.

In the matter of the application for the enrollment of Louis Roberts, as a Creek Freedman.

George Roberts being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A George Roberts.
Q How old are you? A Thirty-three.
Q What is your post office address? A Broken Arrow.
Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission show that George Roberts is listed for enrollment on Creek Freedman card Field No. 914, approved roll No. 3488.

Q Are you the father of Louis Roberts? A Yes sir.
Q What is the name of his mother? A Francis.
Q Is she living or dead? A I don't know; she's in Texas.
Q Was she a citizen of the Creek Nation? A No sir.
Q How old is Louis? A 12 or 13 years, as near as I can get at it.
Q Did you ever draw any money for Louis in the Creek Nation? A No sir.
Q Have you a child named Lillie? A Yes sir.
Q Did you ever draw any money for that child? A Yes sir.
Q And you didn't draw for Lewis? A No sir.
Q Did anybody draw for Louis? A The mother drew for Louis. I don't know whether she got it or not. Louis' nickname was Footsie.
Q Why didn't you draw money for this boy? A Her mother put in for her; I don't know whetner she got it or not; she was keeping it at that time; she was at Eufaula then; Sam Grayson fixed it up for her.
Q Do you know whether she got the money or not? A No sir, I don't know.
Q Who does this child live with? A With me now.
Q How long has he been living with you? A About 7 or 8 years I guess.
Q How old is he? A 12 going on 13. Somewhere in the neighborhood of that; we don't keep correct dates.
Q When he was a little fellow did he go by the name of Brooks or Roberts? A Roberts; always go by Roberts.
Q Did you have any other children by that woman? A No sir, that's the only one.
Q Were you ever married to Louis' mother? A No sir; just took up together.
Q Did you ever live together as man and wife? A Yes sir.
Q How long? A Little over three years.
Q Where did you live? A Eufaula.
Q Was this boy born during the time you were living together? A Yes sir.
Q How long after he was born before you separated? A About a little over a year.

Q Did she take the child then? A I let her keep the child for a while.
Q How long did she keep the child? A A little over two years. About three years, I would say.
Q How long after you took up together before this child was born?
A A little over a year.
Q Is your father living? A Yes sir.

The 1895 payroll and the 1891 omitted roll of the Creek Nation examined and the name of Louis Roberts, applied for, is not found on either of said rolls.

Witness excused and Noah Marshall being called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Noah Marshall.
Q How old are you? A Thirty one.
Q What is your post office address? A Eufaula.
Q Do you know George Roberts? A Yes sir.
Q Do you know a boy named Louis Roberts? A Yes sir .
Q How long have you known George Roberts? A About 18 years; maybe 20.
Q How long have you known that boy Louis? A For about 12 years now that is, its 12 years ago he was born.
Q What is the name of Louis' mother? A Francis Brooks.
Q Was Francis Brooks and George Roberts married? A No sir, just set up together.
Q Did they live together as man and wife? A About three years to my knowledge.
Q Did they live together in a house? A Yes sir; George's mother lived there and they lived up from there in a little log house right in the town.
Q Was this child Louis born during the time they were living together? A Yes sir.
Q About how long after they took up toget er that the child was born? A I can't remember; I can't say; a year or such a matter; it might have been a year.
Q Does this boy Louis live with George? A He did when I knowed him. He has got him now; he had him when he left Eufaula.
Q When did he leave Eufaula? A About three years ago.
Q He had the boy then? A Yes sir.
Q How long had he had him? A Always did keep him; him and this woman broke up and he taken the boy himself.
Q Didn't the mother have the boy a while after they separated?
A Not that I know of; she might have.
Q Has George always claimed this boy as his? A Yes sir, always did.

Examination by Mr. Murphy:

Q Was it publicly known around there that they was married or that he was keeping her? A No sirm it wasn't publicly known.
Q Well, what was known? A Nobody said anything about it cause there was nothing said about it in them days.
Q He just picked her up and got tired of her and quit her? A I guess so.

Q Did he keep the boy? A Yes sir.
Q Is this the same boy he had down there? A I guess it is the same one; he lived up here and I lived at Eufaula.
Q Is it the same one? A Yes sir.

Attorney for Creek Nation asks for thirty days in which to introduce evidence in the matter.
It is granted.

--

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 23, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 24th day of February, 1904.

Chas. H. Lamson

Notary Public.

En. 435.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Louis Roberts as a Creek freedman.

D E C I S I O N.

The record in this case shows that on February 23, 1904, George Roberts appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Louis Roberts, as a Creek freedman. At the conclusion of the evidence submitted at that time the Creek Nation was allowed thirty days within which to introduce evidence in the case. No further evidence has been offered.

The evidence shows that said Louis Roberts was living and about twelve or thirteen years old at the date of the application herein.

The evidence further shows that said Louis Roberts is the child of George Roberts whose name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, No.3488.

It is, therefore, the opinion of the Commission that said Louis Roberts should be enrolled as a Creek freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats.,500) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.
Aug 3 1904

No. 465.

Muskogee, Indian Territory, August 5, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Louis Roberts as a Creek freedman.

You are hereby, notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Louis Roberts will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner in Charge.

HGH-3-3-8

Creek No. 4[illegible]

Muskogee, Indian Territory, January 6, 1905.

George Roberts,
Brewer Arrow, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Louis Roberts, is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior December 24, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. [illegible], 23, 1904.

In the matter of the application for the enrollment of Stella Cooper as a citizen by blood of the Creek Nation.

APPEARANCES: A. P. Murphy, attorney for Creek Nation.

Annie Cooper being duly sworn testified (partly through Mrs. Merrick, sworn interpreter) as follows:

Examination by the Commission:

Q What is your name? A Annie Cooper.
Q How old are you? A I don't know how old.
(Witness appears to be about 29 or 30 years old.)
Q What is your post office address? A Fry.
Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission examined and it appears that Annie Cooper is listed for enrollment on Creek Freedman card Field No. 281, and that her name is contained in a list of creek citizens by blood approved by the Secretary of the Interior March 13, 1902, approved roll No. 931.

Q Do you make application to have Stella Cooper enrolled as a citizen of the Creek Nation? A Yes sir.
Q Is she your child? A Yes sir.
Q What is the name of her father? A Albert Cooper.
Q Is he a citizen of the Creek Nation? A No sir.
Q He is a white man, is he? A Yes sir.
Q Are you a full blood Creek Indian? A Yes sir.
Q How old is Stella? A She will be three years old in May.
Q What time in May? A First of May.
Q Does she mean the first day of May or the last of the month? (TO Interpreter) A The 1st day of May.
Q Is this the child here now that's in the room here? A Yes sir.
Q Have you a child named Emma? A It died.
Q You had one named Emma? A Yes sir.
Q When was Emma born? A I have forget now- I guess he knowed.
Q How much older is Emma than Stella? A I don't know.
Q How long has Emma been dead? A I don't know.
Q Did Emma die before Stella was born or after? A Before.
Q How long before? A I don't know; I guess two years.

Examination by Mr. Murphy:

Q Have you a child younger than Stella? A Yes sir.
Q How much older is Stella than this child? A About 2 years.

Q Ask her when was this baby born? A The baby was born just a little before Christmas.
Q Now, tell her to give me the day of the month and year this child was born? A Said she didn't know.
Q Do you know what year this baby was born? A I don't know.
Q What is the name of the child? A Said she wasn't named yet.
Q Well, what month was it born in? A I don't know.
Q That is your child is it? A Yes sir.
Q Now, tell me who it was that told you that Stella was born on the 1st day of May? Who told you that? A Nobody told me; I knew that
Q How is it that you know when Stella was born and you don't know when this baby was born? A Said she knew it was the first of May because it is recorded; and this baby was born sometime in October, but she didn't pay much attention to just what day it was born; said he put it down in a little book.
Q Does she remember when they all went over to the Creek Council to ratify the Creek treaty? The first treaty? A Yes sir.
Q Well, was Stella born at that time or after? A She was living then.
Q How old was she? A I don't know.
Q Well, about how old? A She was a little bit larger than this baby here; about 5 or 3 months old.
Q Now, are you positive that Stella was born on the 1st day of May,
A Yes sir.
Q It wasn't on the 6th? A About 5th or 6th.
Q Then it wasn't on the 1st? A No sir.
Q Well, now, tell her to tell me when it was the child was born?
A She was born on the first part of May.
Q Ask her if it isn't a fact that she was born on the 1st of June?
A She said she told once that she was born in May.

Witness excused and Sukey Haynes called and sworn testified as follows through Mrs. Merrick, official interpreter:

By the Commission:

Q What is your name? A Sukey Haynes.
Q How old are you? A I don't know.
(Appears to be about 50.)
Q What is your post office address? A Blum.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know Annie Cooper? A Yes sir.
Q Do you know a child of hers named Stella? A Yes sir.
Q Do you know when that child was born? A About the 1st of May, I think.
Q What year? A I don't know the years.
Q How old is that child now? A She was two years last May.
Q Is the child living? A Yes sir.
Q Were you present when the child was born? A No sir.
Q How far do you live from Annie Cooper? A About 5 miles.
Q When did you first see the child? How long after it was born?
A The next day after it was born.
Q How old is your youngest child? A About 7 years old.

By Mr. Murphy:

Q How do you know it was in May? A She said it was the first of May because they told her it was the 1st of May;
Q That's all she knows then is because somebody told her it was the 1st of May? A Yes sir.
Q Lasley Haynes is your husband? A Yes sir.

Q Do you remember when you first came to me to file a complaint to put you in possession of your allotment? A
Q Do you remember the circumstance of coming? A Yes sir.
Q Was this child living at that time? A I don't remember.
Q She don't know whether it was living then or not? A I don't remember just when it was that I came to see you; the last time I was here it was recently.
Q No. Ask her, if the first time she came to see me, whether this child was living or not? A I don't remember when it was.

Witness excused and Ezra E. Cooper, being called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Ezra E. Cooper.
Q How old are you? A Thirty one years old.
Q What is your post office address? A Broken Arrow now.
Q Are you the husband of Annie Cooper? A Yes sir.
Q Are you the father of Stella Cooper? A Yes sir.
Q You don't claim to be a citizen of the Creek Nation yourself? A No sir.
Q You are a white man? A Yes sir.
Q When was Stella Cooper born? A On the 6th day of May.
Q What year? A It has been two year ago last May: 1901.
Q Do you keep a record of the births and deaths in your family? Do you write down in a book? A No-I haven't set the date of their deaths down in a book; I just had a little bit of a day book owned by her first husband that set some of their names down in and I set some of mine down in- I haven't got no Bible.
Q You made a record in this book that you handed me? A Yes sir.
Q Is that a record of births in your family? A Yes sir.
Q I find here an entry in regard to the birth of Emma Cooper; when was that entry made? How soon after it was born? A Just a few days.
Q There is one in regard to Stella Cooper; when was that made? A It was made right after she was born.
Q How far do you live from Okmulgee? A About 35 miles.
Q Ever go there? A No sir.
Q Have you never been there? A I have been there about 7 or 8 years ago.
Q Your wife belongs to what town? A Cheyahgah.
Q Who is the member of the house of Kings from that town? A I don't know.
Q Do you know who the member of the House of Warriors is? A No sir
Q Do you remember hearing of the time that the First Creek treaty was ratified? When, the matter was talked of over the country? A Yes sir.
Q Do you remember whether this child was born befor that or after? A Before.
Q How long before? A Well, from the 6th to the-- I don't know what it was; it was along the last of May if I am not mistaken.
Q You are positive that this child was born before that treaty was ratified? A Yes sir.

Examination by MR. Murray:

Q How long have you lived in the Indian Territory? A About 17 or 18 years ago this Spring since I moved to the Territory.

Q Where did you come from to the Territery? A From Kansas.
Q How old was you when you came here? A I was about 14 or 15 years old, I guess.
Q What year did you say you was born in? A I was 31 years old last December.
Q What year was you born in? A I don't know without counting back.
Q How old was you when you was married? A I was 24 years old.
Q Had the Dawes Commission commenced work down here when you was married? A No sir.
Q When was you married? A I was married in July; it will be 7 years next July.
Q Can you read and write? A Yes sir, a little.
Q Did you make those entries about those children being born? A Yes sir, that is, my own; there's some others in there.
Q Well, I am talking about Emma and Stella. A Yes sir.
Q Those two entries were made at the same time in this book, weren't they? A No sir, they wasn't.
Q And the same lead pencil, wasn't they? A Well, they was made with an indelible lead pencil; I had it in the drawer there for two or three years and took it out finally and carried it in my pocket till I lost it.
Q Those three entries here about Emma, Stella and Florence are the only entries you have in this book? A Yes sir.
Q Why didn't you enter in there when you was married? A I don't know why; I never thought about it at that time.
Q Why didn't you put in here when Emma died? A I don't know why; just set the date of the birth in there.
Q How long after Emma was born was it until she was named? A It wasn't very long; I don't know; might be a week; she done the naming of it.
Q Was that child named when you made the entry in the book? A Yes sir.
Q How long had it been since you named her until you made that entry? A It had not been very long since she made up her mind- she was going to name it I entered it.
Q How long after Stella was born till she named it? A It wasn't very long; about a week.
Q You haven't but the three children? A Yes sir.
Q And the last one is this one here in her arms? A Yes sir.
Q And it hasn't been named yet? A Yes, it has.
Q When did she name it? A Well, it must have been; I don't know- it must have been quite a little bit after she born until she named it.
Q Well, how long after? A Well, I know it must havee been two weeks anyhow and maybe longer.
Q When did Emma Cooper die? A On the 26th of July I believe.
Q What year? A Lets see-- she was two years; I don't know just what year it was that she did die.
Q Was she living or dead when the land office opened here in Muskogee? A She was living.
Q How long after that did she die? A I don't just know; she would have been five year old last December if she had lived; last day of December.
Q I was asking when she died? A She was dead a year and from December till the 26th of July; a year and that much over old when she died.
Q When was Florence born? A She was born on the 22nd of November; November or October.
Q Which was it now? A October it was.
Q What year? A This last year; 1903.
Q Who wrote her entry down in this book? A Me.
Q Where did you live at the time Stella was born? A I lived right near where I live now; its right on the same place.
Q Near what post office? A Near Fry.
Q What doctor did you have? A Didn't have any.
Q Have a mid-wife? A Yes sir.
Q Who was it? A Miss Castella.
Q Where is she? A She lives up there by Fry.

Q Do you know Bob Fry up there? A Yes sir.
Q How far do you live from him? A Two mile;a mile North and a Mile East.
Q You know about the presidents of the United States, don't you, McKinley and Roosevelt and them? A Yes sir.
Q You remember reading about McKinly being shot- killed? A Yes sir, I was here in Muskogee,at that time.
Q Was this child born at that time? A I don't remember how long ago that was.
Q Well, you remember when you left home that day whether this child was born or not; there was a good deal of excitement about it, wasn't there? A Yes, there was here.
Q Well, was this child at your home then or not? A Well, I can't say; I don't know how long its been;I have been here so often.
Q Looks like you could remember? A I don't know; I believe the child was born at that time.
Q Well, you remember when you left home that day to come here- the day McKinley was shot? A I don't know.
Q You remember going back home and telling your wife about it?
A Yes I remember that.
Q Well, was she bursing the child at that time? A I can't tell you about the date.
Q When you went home and told your wife about that was she nursing that child or not? A I am not positive that she was.
Q Was it able to walk at that time? A No;it must have been about the time of its birth as well as I can remember;I can't take oath as to how old it was.
You mean to say that the child was born about the time that McKinley was shot, do you? A No;I don't know for sure; it just runs in my mind that it has been about three years that McKinley was shot to the best of my knowledge; I don't know for sure.
Q Whose book is this? A Well, just a little old book that my wife had in some of her papers when we was married and it has laid around since.
Q Well, its your wife's book? A Yes sir, its here.
Q Who tore these leaves out of here? A Well, I don't know; just one and then another; some of them I tore out myself; had a lot of foolishness on- some of them wrote it.
Q What relation is your wife to Suka Haynes? A Suka Haynes is her mother.
Q Where is this indelible pencil that you made these entries with now? A I don't know; I lost it.
Q How long ago? A It has been about---
Q You made those entries with the same pencil? A Yes sir.
Q You kept this a long time? A Yes, it was one of those tin pencils and one day I saw it and put it in my pocket.
Q Did you have it when Florence was born? A No sir.

By the Commission:

The book which the witness presents for the inspection of the Commission contains among others, the followin entry:

Emma Cooper bonned Dec 1 1898
Stellie Cooner borned May th 6 1901.

These entries were made with a blue colored pencil and are entered one after the other-appear to be made by the same person. Following these two, this entry appears:

Florence Cooper was borned Oct 22 1903;

This entry appears written in ink. The book is returned to the witness.

The records of the Commission show that Emma Cooper was born December 1, 1898.

(The Creek Nation asks for 30 days in which to submit evidence relative to the right of the child for enrollment; and if evidence is not presented in that time, the case be closed.

The application is granted with the understanding that if the Creek Nation desires to submit evidence in the case, due notice will be given to Ezra M. Cooper.

There is filed with the Commission affidavits relative to the birth of Stella Cooper, and they are made part of the record herein.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 23, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 24th day of February, 1904.

Chas. H. Sampson

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
February 23, 1904
CHAIRMAN

IN RE

Application for Enrollment of

INFANT CHILD

.....

as a citizen of

.....

Nation.

Approved

.....

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Stella Cooper (Here insert name of child) born on the 6th day of May 1901
Name of Father: E. E. Cooper a citizen of the Creek Nation.
Name of Mother: Lenna Cooper a citizen of the Creek Nation.
Post-office Broken Arrow Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Muskogee District.

I, Lenna Cooper, on oath state that I am 30 years of age and a citizen, by birth, of the Creek Nation; that I am the lawful wife of E. E. Cooper, who is a citizen, by Marriage, of the Creek Nation; that a female (Male or female) child was born to me on 6th day of May 1901; that said child has been named Stella Cooper, and is now living.

her
Lenna + Cooper
mark

WITNESSES TO MARK:

J. M. Parkinson Broken Arrow I.T.
(Must be Two Witnesses)
C. B. Blakemore Broken Arrow I.T.

Subscribed and sworn to before me this 22nd day of February 1902

My Commission expires Jany. 13, 1907.

K. D. Henry
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Muskogee District.

I, Ella Castillo, a Midwife, on oath state that I attended on Mrs. Lenna Cooper, wife of E. E. Cooper on the 6th day of May, 1901; that there was born to her on said date a female (Male or female) child; that said child is now living and is said to have been named Stella Cooper

Ella Castillo.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of February 1902.

My Commission expires Jany. 13, 1907.

K. D. Henry
NOTARY PUBLIC.

En. 436.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Stella Cooper as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on February 23, 1904, Annie Cooper appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Stella Cooper, as a citizen by blood of the Creek Nation. At the conclusion of the evidence submitted at that time the Creek Nation was allowed thirty days within which to submit evidence in the case. No further evidence has been offered.

The evidence shows that said Stella Cooper was born May 6, 1901 and was living at the date of the application herein.

The evidence further shows that said Stella Cooper is the child of Annie Cooper whose name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, number 931.

It is, therefore, the opinion of the Commission that said Stella Cooper should be enrolled as a citizen by blood of the Creek Nation in accordance with the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

July 12, 1904

Muskogee, Indian Territory, July 28, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of [redacted] Cooper as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Stella Cooper will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

July 7

IN RE

Application for Enrollment of

INFANT CHILD

Stella Cooper

as a citizen of the

Creek Nation.

Approved ____ 190_

Commissioner.

No. 781

Nov. 16. 1902

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Stella Cooper (Here insert name of child), born on the 6 day of May, 1901
Name of Father: Ezra E Cooper, a citizen of the United States
Name of Mother: Annie Cooper, a citizen of the Creek Nation.
Post-Office: Elam, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Annie Cooper, on oath state that I am 29 years of age and a citizen, by Blood, of the Creek Nation; that I am the lawful wife of Ezra E Cooper who is a citizen, by Blood, of the United States Nation, that a Female (Male or female) child was born to me on the 6 day of May 1901; that said child has been named Stella Cooper, and is now living.

Annie Cooper

WITNESSES TO MARK:

(Witness) }

Subscribed and sworn to before me this 5 day of November 1901

Comm Ex. 1-25-1906. W G Cooper Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Etta Castillo, a Midwife, on oath state that I attended on Mrs Annie Cooper, wife of Ezra E Cooper, on the 6 day of May, 1901; that there was born to her on said date a Female (Male or female) child; that said child is now living and is said to have been named Stella Cooper

WITNESSES TO MARK

(Witness) }

Subscribed and sworn to before me this 5 day of November 1901

Comm Ex. 1-25-1906. W G Cooper Notary Public

Muskogee, Indian Territory, January 14, 1904.

Annie Cooper,
Fry, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Stella Cooper, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1904, and that application for a selection of land in the Creek Nation may be made for her at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 26, 1904.

In the matter of the application for the enrollment of Robert Steen as a citizen by blood of the Creek Nation.

APPEARANCES: A.P.Murphy, attorney for the Creek nation.

Katie Steen being sworn testified as follows through Mrs.Merrick, official interpreter.

Examination by the Commission:

Q What is your name? A Katie Steen.
Q How old are you? A Thirty four.
Q What is your post office address? A Tulsa.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Are you a full blood Creek? A Yes sir.
Q What is the name of your husband? A Walter Steen.
Q Is he a citizen of the United States? A Yes sir.
Q What was your name before you married Steen? A Katie Polutka.
Q Were you ever married to a man by the name of Hodge? A Yes sir; Katie Hodge Steen.

The records of the Commission examined and it appears that Katie Steen is listed for enrollment on Creek Indian card Field No. 363, under the name of Katie Hodge, and that she is identified on the roll of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, approved roll No. 1193.

Q For whom do you now make application for enrollment? A Robert Steen.
Q Is he your son? A Yes sir.
Q What is the name of his father? A Walter Steen.
Q How old is Robert Steen? A A little over 3 years old.
Q When was he born? A February 5th; but I don't know what year it was.
Q February 5th, three years ago? A Yes sir.
Q Who was present when the child was born? A Minnie Cole.
Q Anyone else present? A Lucy Chisholm.
Q Who is Rosie Chisholm? A This woman here.

Examination by Mr. Murphy:

Q Is Robert living? A Yes sir.

XXCUSED and Rosa Chisholm called and sworn testified as follows thru Mrs. Merrick, official interpreter:

By the Commission:

Q What is your name? A Rosa Chisholm.
Q How old are you? A Thirty.

Q What is your post office address? A Fry.
Q Do you know Katie Steen? A Yes sir; my sister.
Q Do you know a child of hers named Robert? A Yes sir.
Q Were you present when Robert was born? A Yes sir, he was born at my house.
Q How old is Robert? A He was three years old last February.
Q Last February? A This February. The 8th of February.
Q What year was he born? A 1901.

RECESS, and Kissie Lola called and sworn testified as follows thru Mrs. Merrick:

By the Commission:

Q What is your name? A Kissie Lola.
Q How old are you? A I don't know.

Witness appears to be about 39 or 40.

Q What is your post office address? A Fry.
Q Do you know Katie Steen? A Yes sir.
Q Do you know a child of hers named Robert Steen? A Yes sir.
Q How old is Robert? A Threeyears old.
Q Is he more than three or less than three? A Said she don't remember; she never did keep any record of it. She knows its three years old by somebody telling her.
Q Were you present when the child was born? A Yes sir.
Q Was it born in cold weather or warm weather? A Cold weather.
Q Can the child walk? A Yes sir.
Q How long has it been walking? A I don't know.
Q Can the child talk? A Yes sir.

(Statement: The Creek nation has no evidence to offer.)

An affidavit concerning the birth of robert Steen heretofore filed with the Commission, is made part of the record herein.

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Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 26, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 26th day of February, 1904.

Notary Public.

En. 457.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert Steen as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on February 26, 1904, Katie Steen appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Robert Steen, as a citizen by blood of the Creek Nation.

The evidence shows that said Robert Steen was born February 8, 1901, and was living at the date of the application herein.

The evidence further shows that said Robert Steen is the child of Walter Steen, a citizen of the United States, and Katie Steen who is identified on the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1908, number 1193.

It is, therefore, the opinion of the Commission that Robert Steen should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.,

MAY 24 1904

4813

Creek Mn. 437.

Muskogee, Indian Territory, May 25, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Katie Steen for the enrollment of her minor child, Robert Steen, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Robert Steen will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

MOM-10-25.

8913

En. 437.

Muskogee, Indian Territory, June 18, 1904.

Katie Hodge Steen,

Tulsa, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of June 7, in which it is stated that you have been waiting some time for the Commission to notify you when to come and file for your son, Robert Steen.

In reply you are advised that when final action is had in the matter of the application for the enrollment of your son, Robert Steen, as a citizen of the Creek Nation, you will be duly notified.

Respectfully,

Chairman.

1818

No. 487.

Muskogee, Indian Territory, July 12, 1904.

Katie Steen,

Tulsa, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Robert Steen, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior June 28, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., FEB. 24, 1904.

In the matter of the application for the enrollment of Laura, Quinn and her children, Bertha Quinn, Della Toliver, Florence Quinn, Leo Quinn, Alvin Quinn, Otto Quinn, Isaac Quinn, Millard Quinn and Robert Toliver, minor child of Della Toliver; as Creek freedmen.

APPEARANCES: A.P.Murphy, attorney for Creek Nation.
N.B.Graves, attorney for applicants.

Laura Quinn being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Laura Quinn.
Q How old are you? A About forty, some odd; about forty two.
Q What is your post office address? A Wybark; no, its Ft. Smith, Arkansas.
Q Do you make application for enrollment as a Creek Freedman?
A Yes sir; that what I am.
Q Are there some other persons for whom you wish to apply? A My children.
Q Give the name of the eldest of those living? A Della Toliver.
Q How old is she? A About twenty-three.
Q Is she married? A Yes sir.
Q What is the name of her husband? A Robert Toliver.
Q Do you make any claim that he is a citizen of the Creek Nation?
A No sir.
Q Has she any children? A Yes, one child.
Q What is the name of that child? A Robert.
Q How old is Robert? A About 18 months old.
Q When was he born? A I don't know.
Q What is Della's post office address? A Ft.Smith; her home's with me.
Q What is the name of your next child? A Bertha.
Q How old is Bertha? A About 18.
Q Is she married? A No sir.
Q Does she live with you? A Yes sir.
Q Has she lived with you all her life? A Yes sir.
Q What is the name of the next child? A Florence.
Q How old is Florence? A 17; she will soon be 17.
Q Does she make her home with you? A Yes sir.
Q She's not married? A No sir.
Q What is the name of the next child? A Leo.
Q How old is he? A A little over fifteen.
Q What is the name of the next child? A Alvin.
Q How old is he A Fourteen.
Q Next? A Otto; twelve.
Q [redacted] old.

Q Next? A Isaac; ten.
Q Next? A Millard, five.
Q Are all these persons living? A Yes sir.
Q These minor children all live with you? A Yes sir.
Q What is the name of the father of these children? A Isaac Quinn.
Q Is he living? A Yes sir.
Q Does he make any claim to be a citizen of the Creek nation? A Not only through me.
Q He makes no claim then in his own right? A No sir.
Q Where do you reside? A At the present I live in Ft. Smith Ark.
Q How long have you lived in Ft. Smith? A I have been living there all my life; I lived right here in Ft. Gibson till I was fo ve or six years old. My mother was here.
Q Did you ever draw any money from the Creek Nation for yourself or any of these children? A No sir, didn't give me none; I have never asked for no money.
Q Was any money ever drawn for you or these children in the Creek Nation? A No sir.
Q Does your name appear on any of the tribal rolls of the Creek Nation? A My name is with my mother's and father's; put on there by my grandfather, Pitch Lewis.
Q What is the name of your father? A I don't know.
Q What is the name of your mother? A Ellen Spring now; my father's name was something I have forgot; he died before I was born.
Q Have you ever been married more than once? A No sir.
Q What was your name before you married? A Francis Spring they called me then; my mother is Ellen Spring, she was a daughter of Richard Lewis.

Examination by Mr. Cravens:

Q Have you any other name besides Francis? A Laura Francis Spring is all the name I have went by.

By the Commission:

Q Do you know whether your name is on the Dunn Roll or not? A They tell me its on there; my mother's name and my name and my father's.

The roll prepared by J.W.Dunn March 14, 1867, is examined and the namesof Laura F. Spring appears thereon at No. 984 following that of Nathan and Ellen Spring.

Statement by applicant: My grandfather went by my possession of the name I guess.

Q You say Della Toliver lives with you? A Yes sir.
Q And has lived with you all her life? A Not all of her life.
Q Was she ever lived in the Creek Nation? A No sir.
Q Has she ever lived in the Indian Territory? A No sir, never out of Arkansas.

Examination by Mr. Murphy:

Q Have any of these children ever lived in the Indian Territory?
A No sir; they always live in Arkansas.
Q They was all born in Arkansas? A Yes sir.

Q Where was you living in 1867? A I don't know; I guess I was living with my mother; in Arkansas I guess; as near as I can remember.
Q At the time this Dunn Roll was made you was living in Arkansas, w wasn't you? A I don't know; I can't remember that.

By Mr. Cravens:

Q Have you any property in Ft. Smith? A My husband has; small property he is going to dispose of.
Q He is trying to sell it now, is he? A Yes sir.
Q You intend to live here and make this your home? A Yes sir, intend to live at Wybark.
Q Did you bring your household goods with you? A Part of them.
Q Will you bring the rest of them? A Yes sir.
Q You have come to establish this then as your home? A Yes sir.

By Mr. Murphy:

Q How come you to come down here to make this your home? A Well, we wanted to make this our home if we have a right here.

By Mr. Cravens:

Q You come to get a right here, didn't you? A Yes sir.
Q You came here to establish your right, didn't you? A Yes sir.

By Mr. Murphy:

Q You are not going to move the balance of your property until you find out whether you are enrolled or not? A Yes sir.

By Mr. Cravens:

Q You are going to move as soon as you can make arrangements, aren't you? A Yes sir.

Excused and Della Toliver called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Della Toliver.
Q How old are you? A Twenty-two.
Q What is your post office address? A Ft. Smith.
Q Have you any children? A One.
Q What is its name? A Robert Toliver.
Q How old is Robert? A Sixteen months old.
Q When was that child born? A October 8th.
Q What year? A 1908.
Q You reside at Ft. Smith, Arkansas, do you? A Yes sir.

Examination by Mr. Cravens:

Q You haven't lived there all your life, have you? Haven't you lived at Helena, Arkansas? A Yes sir, about a year.

By the Commission:

Q You have never lived in Indian Territory? A No sir, not as I know
Q You are a duaghter of Laura Quinn? A Yes sir.

Witness excused and John H. Lewis called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A John H. Lewis.
Q How old are you? A About 40.
Q What is your post office address? A Wybark.
Q Are you a citizen of the Creek nation? A yes sir.
Q Member of the House of Warriors? A Yes sir.
Q Do you know Laura Quinn??A Yes sir.
Q Is she kin to you? A Yes sir.
Q What kin? A First cousin of mine; two sisters children.
Q How long have you known her? A All my life; I haven't seen her all that time but I have been hearing from her.
Q Do you identify this applicant here as the person she represents herself to be? A Yes sir.

--

Henry G. Haines being sworn on his oath state that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 24, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 25th day of February, 1904.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. En. 438
Muskogee, I.T. June 4, 1904.

Additional testimony

In the matter of the application for the enrollment of Laura Quinn, et al., as Creek freedmen.

APPEARANCES: M.L.MOTT, Attorney for Creek Nation.
R.R.Cravens, Attorney for applicants.

Laura Quinn being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Laura Quinn.
Q Are you the same person who applied here on the 24th of February, 1904, for the enrollment of herself and children as citizens of the Creek Nation? A Yes sir.
Q Where are you now residing? A Here in Muskogee now.
Q How long have you been here? A About a month and a half.
Q Have you any property in Ft. Smith,? A I have none.
Q Has your husband any property there? A Yes sir
Q Where is he? A In Ft. Smith now.
Q Has he removed to the Creek Nation? A He is not here, but he is coming I guess.
Q He has not come? A No sir, he isn't here; he is busy; he is coming up as soon as he can get his business arranged so he can come.
Q Has he sold his property in Ft. Smith? A No sir, he hasn't had a chance to sell it.
Q Have you purchased any property in the Creek Nation? A No sir, I haven't yet; I have tried to but I couldn't get any where I wanted it; I am renting property.
Q How long have you had the house here that you rent? A A month and a half; I have paid two months rent.
Q Have you come to the Creek Nation for the purpose of making it your home? A Yes sir.
Q You and your husband haven't separated, or anything of that kind? A No sir.

Examination by Mr. Cravens:

Q What does your husband do? A He is a government employe; works at the post office.
Q He is janitor at the post office at Ft. Smith, is he? A Yes sir.
Q Where do you live here in Muskogee? A #307 Emporia Strett.

Examination by Mr. Mott:

Q What property has your husband got in Ft. Smith? A Nothing but a house.
Q And home? A Yes sir.
Q That's where you lived before you came here? A Yes sir.
Q How long has he owned that place? A I don't know sir, how long.

[illegible] will be 20 in August.
[illegible] August.

[illegible] you intended to make Wybark
[illegible] got a question there
[illegible]

[illegible] do it? A He don't want to sell it for nothing.
Q What is he asking there? A $40 per acre.
Q What's what is keeping him there? A I don't know.
Q What did you come here for- to make this your home, or did you come here because you wanted to get an allotment? A I intended to live here because my name was on the roll and I thought I had a right to apply for it; I intended to live here and its still my intention; most all of my people are right here; I have been raised partly here.
Q If it were not that you were to get this property here, would you come here? A I think I would.
Q Don't you know that you wouldn't? A I don't know; I thought I would try to establish my right.

(By Mr. Cravens)
Q That's all you came for, isn't it, to get an allotment? And you knew you had to come here and make it your home? A Yes sir.

(By Mr. Mott:)
Q If you get it are you going back to Arkansas to live? A No sir, I want to live right here in this town.
Q Why? A Cause I like it and I have a right here; I like it in the Nation for one thing, and I was raised here right in the Nation, and I was a great big girl when I left here. My people have always been in the Nation and I thought I would come back.

John H. Lewis being called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A John H. Lewis.
Q How old are you? A About 40.
Q What is your post office address? A Wybark. Mrs. Quinn's husband wrote me to see if I couldn't buy a lot over there at Wybark from Viney Smith a Creek citizen and she told me as soon as ever the Commission would issue her deed, she would sell me a small lot; and I notified them that the lady that owns the land ther wouldn't dispose of the land there till she gets her deed, but as soon as she gets the deed I will purchase the land- the lot, inorder to enable them to build there. I got a letter.
Q Have you got that letter with you? A No sir, its at home; Isaac, the husband of Mrs. Quinn wrote me that he had sent his family to the Creek Nation and if he could purchase a lot here; he writes me that he didn't want to sell out his property there and then come up here and then possibly his family lose; the only interests they have there is by his rights; they don't own any rpoerty there; he didn't want to come here unless his family got recognized by the authorities; he has

get all his things here except just what would take to do him down there.

(Mrs. Quinn recalled):

Examination by Mr. Mott:

Q If he don't come here are you going to stay here? A Yes I am going to stay; he can come if he wants to.
Q Suppose your right is denied, then what are you going to do? A I don't know.
Q You would go back, wouldn't you? A I don't know.
Q If your right is denied you, are you going to stay here? A I expect so.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case June 6, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 11th day of June, 1904.

Charles H. Sawyer
Notary Public.

En 4 18

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., June 14, 1904.

Additional Testimony.

In the matter of the application for the enrollment of Emma Quinn et al., as Creek Freedmen.

APPEARANCES: R.R.Cravens, Attorney for Applicants.
M.L.Mott, Attorney for Creek Nation.

W. R. Toliver being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A W. R. Toliver.
Q How old are you? A Not quite thirty.
Q What is your post office address? A 307 Emporia Street, Muskogee.
Q Are you the husband of Della Toliver? A Yes sir.
Q Where do you reside? A I have no fixed residence only where my wife is here at Muskogee.
Q How long have you been married to Della Toliver? A Not quite three years; about 2 years and 8 months.
Q Where was your residence prior to your marriage? A Washington City.
Q Where did you marry? A Fort Smith.
Q In Arkansas? A Yes sir.
Q Did you establish a residence in Ft. Smith? A No sir.
Q What is your occupation? A I am a minister.
Q Where are you now engaged at work? A I am now engaged as traveling evangelist.
Q You just go from place to place? A Yes sir.
Q To what church do you belong? A The Missionary Baptist.
Q ?Under what authority are you engaged? A Authority of the National Baptist Convention. That's who authorizes me.
Q Are you under contract of any kind with that session- that convention? A No sir.

Examination by Mr. Cravens:

Q Are you subject to their orders? A Yes sir; I am understinging I am; you mean as to salary.

By the Commission:

Q You go wherever you are directedto go? A Yes sir.
Q Have you continually since your marriage considered your residence to be where your wife's residence was? A I have considered my residence to be where my wife's residence was.
Q How long have you been in Muskogee? A I have only been in Muskogee about five days.
Q Have you considered Muskogee your residence since your wife came here? A Yes sir.

Della Toliver being duly sworn testified as follows:

By the Commission:

Q What is your name? A Della Toliver.

(By the Commission)

Q. And do witnesses act? A. Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer of the Commission to the Five Civilian Bribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 29th day of July, 1904.

Chas. E. Lampert

Notary Public.

[illegible]

Muskogee, I. T., June 15, 1901.

In the matter of the application for the enrollment of Laura Quinn et al., as Creek Freedmen.

APPEARANCES: For Creek Nation, M. L. Mott,
For applicants, R. B. Cravens.

DELLA TOLIVER, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Della Toliver.
Q How old are you? A 22
Q What is your post office? A Muskogee, Indian Territory.
Q What is the name of your father? A Isaac Quinn.
Q What is the name of your mother? A Laura.
Q Where do you reside? A Muskogee.
Q How long have you resided in Muskogee? A I have not been here very long, about--just came here yesterday to establish my residence.
Q Where did you come from? A Fort Smith.
Q That in Arkansas? A Yes, sir.
Q How long have you lived in Arkansas? A All my life, except about one year.
Q When was that? A The past one.
Q Where did you live then? A In Helena.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Toliver.
Q Where does he live? A He has no residence. He is a traveling preacher.
Q How long you been married? A About--nearly three years.
Q Where did your husband live when you married? A I met him in Fort Smith, he was traveling then.
Q Did you keep house during the time you lived at Helena? A Yes, sir.
Q Were you and your husband keeping house together when you came here from Fort Smith? A No, sir.
Q Who were you living with then? A My mother.
Q How long had you been living with her? A All my life except about a year.
Q Where is your husband now? A At present he is in St. Louis.
Q Do you know where he considers his home to be? A Well if he had to have a home he would live with his father in Washington City.
Q How old is your husband? A 30.
Q Has he ever had a settled home since he left his father's family, to your knowledge? A No, sir.
Q He has never had one since he left his father's family? A No, sir.
Q Has he ever been in Indian Territory? A I don't know.
Q He comes to your home occasionally, does he? A Yes, sir.
Q He and you have never separated? A No, sir.
Q Is it your understanding that your husband considers his home to be where you reside? A Yes, sir.
Q Do you know whether or not your husband intends to come to the Creek Nation soon? A Yes, sir.
Q About how long before he will be here? A I don't know exactly, he will come sometime this month I guess.

Q [illegible] A [illegible], sir.
Q [illegible] furnished house where you lived? A The church where he
Q He is a traveling evangelist? A Yes, sir
Q Do you own any household goods at all? A No, sir.
Q Do you own any property anywhere? A No, sir.
Q Everything that you have is here in Muskogee? A Yes, sir.
Q With whom do you live A in Muskogee? A Live with my mother.

By Commission:
Q Do you have any household goods? A None at all.

By R. L. Motts:
Q How old were you when you married? A Nineteen years old I think.
Q Does your husband contribute to your support? A Yes, sir.
Q Does he send you anything? A He sends me money.
Q You intend to make this your home? A Yes, sir.
Q Do you intend to leave if he does not make this his home--are you going to go to him? A Not necessaryily. Of course I may want to see him sometime if he can't come.
Q Have you any children? A Have one.
Q How old is he? A One year and seven months old.
Q How old did you say you were? A 22.
Q Are you the oldest child? A Yes, sir.
Q When did you say you came here? A Yesterday.
Q Does your husband know your here? A Yes, sir.
Q Did you write him you were coming here? A Certainly.
Q You come here in order to get your property? A That is one of my reasons.
Q That is the principal reason, is it? A Yes, sir.
Q If you don't get it you going to stay? A Yes, sir.

---oooOOOooo---

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 16th day of June 1906.

Charles H. Sawyer
Notary Public.

In. 4[illegible]

C[illegible] T[illegible] [illegible] T[illegible] [illegible] [illegible].
[illegible], I. T., June 18, 1904.

In the matter of the application for the enrollment of Laura Quinn et al., as Creek Freedmen.

APPEARANCES: { For Creek Nation, M. L. Mott,
{ For applicants, R. R. Cravens.

ISAAC QUINN, being first duly sworn, testified as follows:

By Commission:

Q What is your name? A Isaac Quinn.
Q How old are you? A About 46.
Q What is your post office address? A Muskogee.
Q Are you the husband of Laura Quinn? A Yes, sir.
Q Father of the children for whom she has made application? A Yes, sir.
Q Where do you reside? A Muskogee.
Q How long have you resided in Muskogee? A I moved here, permanently, last Saturday. Been here ever since.
Q Are you keeping house in Muskogee? A Yes, sir.
Q Your family in Muskogee? A Yes, sir.
Q How long have they been here? A They have been here now about two months.
Q Where have you been during the time they have been here? A I was at Fort Smith.
Q What have you been doing there? A Been working as a laborer on the government building.
Q Were you keeping house or boarding there? A Rented out part of my house and slep in one room and boarded down town.
Q You don't claim to be a citizen of the Creek Nation, yourself? A No, sir.
Q Nor do you claim to be a citizen of any tribe in Indian Territory? A No, sir.
Q Have you in good faith removed to the Creek Nation for the purpose of making it your home? A I have.

By R. R. Cravens:

Q Did you give up your job at Fort Smith? A Yes, sir.
Q What is the number of your house here? A 307 Emporia St.

By M. L. Mott:

Q In Muskogee? A Yes, sir.

By R. R. Cravens:

Q What did you come up here for? A I came so my wife could get her claim.
Q You intend to make this your home? A Yes, sir.
Q All your household effects are here? A All I got is here.

By Commission:

Q Did I understand you to say you are not holding, for your own use, the room you occupied there? A No, sir.
Q And you quit the job you had at Fort Smith? A Yes, sir.
Q How much were you receiving there a month? A I think about $540 a year. On the rates of $1.50 a day.

Subscribed and sworn to before me this [illegible]

In the matter of the application for the enrollment of Laura Quinn, Bertha Quinn, Della Toliver, Florence Quinn, Leo Quinn, Alvin Quinn, Otto Quinn, Isaac Quinn, Millard Quinn and Robert Toliver, as Creek freedmen.

DECISION.

The record in this case shows that on February 24, 1904, Laura Quinn appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her children, Bertha Quinn, Della Toliver, Florence Quinn, Leo Quinn, Alvin Quinn, Otto Quinn, Isaac Quinn and Millard Quinn, and her grandchild, Robert Toliver, as Creek freedmen.

Further proceedings in the matter of said application were had before the Commission at Muskogee, Indian Territory, on June 6, and June 15, 1904, and on said latter date, the application for the enrollment of Robert Toliver was withdrawn.

The evidence shows that said Laura Quinn is identified on the roll of Creek Freedmen made by J. W. Dunn, under authority of the United States, prior to March 14, 1867, and that Bertha Quinn, Della Toliver, Florence Quinn, Leo Quinn, Alvin Quinn, Otto Quinn, Isaac Quinn and Millard Quinn are children of said Laura Quinn; that said children were born prior to April 1, 1899, and living at the date of the application herein.

The evidence further shows that the applicants were non-residents of Indian Territory March 1, 1901, and that they have, in good faith, removed to the Creek Nation.

It is, therefore, the opinion of the Commission that Laura Quinn, Bertha Quinn, Della Toliver, Florence Quinn, Leo Quinn, Alvin Quinn, Otto Quinn, Isaac Quinn and Millard Quinn should be enrolled as Creek freedmen, in accordance with the provisions of the acts of Congress of June 28, 1898 (30 Stat., 495) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

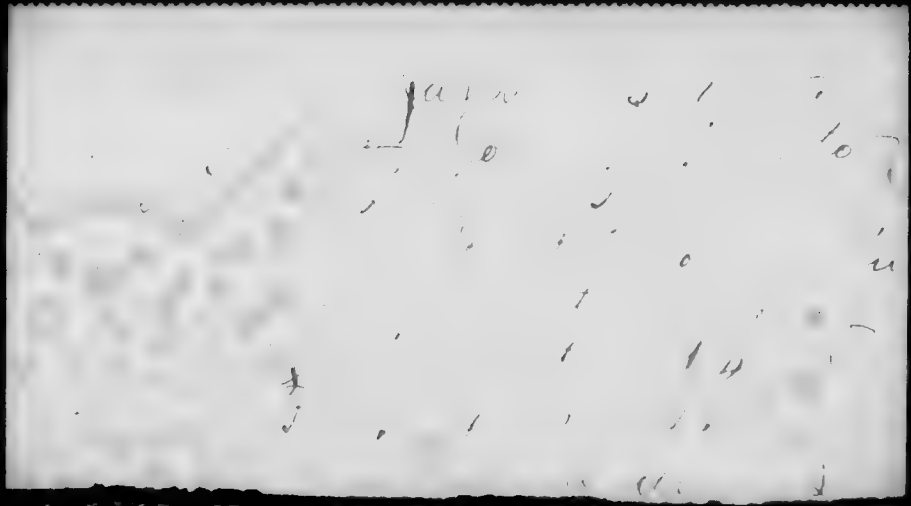
C. R. Breckinridge

COMMISSIONER.

DATED AT MUSKOGEE,

INDIAN TERRITORY

OCT 11 1904



Commission to the Five Civilized Tribes.

Muskogee, Indian Territory,
August 1, 1904.

Received one copy of the testimony in the matter of the application for the enrollment of Laura Quinn and her children, Bertha, Della, Florence, Lee, Alvin, Otto, Isaac, Millard, Quinn and Robert Tolliver, minor child, as Creek Freedmen

M. L. Mott

No. 450

Muskogee, Indian Territory, October 12, 1904.

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Laura Quinn, et al., as Creek Freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Laura Quinn, et al., will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Commissioner in Charge.

HGW-3-10-12

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 27, 1904.

In the matter of the application for the enrollment of Lucy Yosta as a citizen by blood of the Creek Nation.

APPEARANCES: A. P. Murphy, attorney for Creek nation.

Billie Jackson being duly sworn testified as follows thorugh Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Billie Jackson.
Q How old are you? A About 60.
Q What is your post office address? A Senora.
Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission show that Billie Jackson is listed for enrollment on Creek Indian Card Field No. 3862, approved roll No. 8981.

Q Do you make application for the enrollment of your mother as a citizen of the Creek Nation? A Yes sir.
Q What is her name? A Lucy Yosta.
Q Is she living or dead? A She's dead.
Q How long has she been dead? A She died about 4 years ago I think.
Q Was your mother living in the Creek Nation when she died? A Yes sir.
Q How long had she been living in the Creek Nation? A Nearly two years when she died.
Q Where did she come from? A Texas.
Q Was she a full blood Creek? A Yes sir.
Q Did you come from Texas at the same time she did? A Yes sir.
Q Were you admitted to citizenship in the Creek Nation by the Creek Council? A Yes sir.

It appears from a duly certified copy of the Creek National Council that Billie Jackson was admitted to citizenship in the Creek Nation by an act of Creek National Council approved October 24,1900.

Q Was your mother dead at the time you were admitted to citizenship? A No sir, she was living then.
Q Why was it that she was not included in that act? A She was sick at the time and could not apply.
Q Had your mother lived in Texas all her life up to the time she came to the Creek Nation? A Yes sir.

The tribal rolls of the Creek Nation in possession of the Commission examined and Lucy Yosta is not identified on any of said rolls. Neither does it appear that she was ever admitted to citizenship in said nation by any lawful authority.

Q You say your mother was sick when you were admitted? A Yes sir.
Q Did she die of that sickness? A Yes sir.
Q How long after you were admitted before she died? A I don't know just how long; about five months I guess.

Excused and Amy Jackson called and sworn, testified as follows thru Mrs. Merrick, official interpreter:

By the Commission:

Q What is your name? A Amy Jackson.
Q How old are you? A I don't know.

(Witness appears to be about 65 years old.)

Q What is your post office address? A Senora.
Q Do you know Lucy Yosta? A Yes sir.
Q Is she kin to you? A Yes sir.
Q What kin? A Just a cousin of mine.
Q Is she dead? A Yes sir.
Q How long has she been dead? A I don't know.
Q Well, about how long, do you know? A She died the next winter after she come here and I have been told they have been here five years.
Q Did she die before you were admitted to citizenship or after?
A Before I was admitted.
Q How long before? A I don't know.
Q Did she come to the Creek Nation from Texas? A Yes sir.
Q How long had she been here when she died? A Over a year.

It appears from a duly certified copy of the Creek National Council that Amy Jackson was admitted to citizenship in the Creek Nation by an act of the said council approved October 24, 1900.

Excused and Lettie Thompson, called and sworn, testified as follows, through Mrs. Merrick, official interpretor:

By the Commission:

Q What is your name? A Lettie Thompson.
Q How old are you? A About forty.
Q What is your post office address? A Senor a.
Q Do you know Lucy Yosta? A Yes sir.
Q Did she come to the Creek Nation the same time you did? A Yes sir
Q How long was it after you came here until she died? A A little over a year.
Q How long have you been here? A Five years.
Q Did you come from Texas? A Yes sir.
Q Were you admitted to citizenship in the Creek Nation by the Creek Council? A Yes sir.

It appears from a duly certified copy of an act of the Creek Council that the witness was admitted to citizenship in the Creek Nation by an act of the Creek National Council approved October 24, 1900.

Q Was Lucy Yosta dead when you were admitted to citizenship? A Yes sir.

An affidavit heretofore filed with the Commission relative to the death of Lucy is made part of the record herein.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 27, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 27th day of February, 1904.

Charles H Sawyer

Notary Public.

22.

IN RE
THE DEATH OF

Lucy
a citizen of the
Creek Nation.

Approved 1

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
August 12, 1901

COPY.

82.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lucy
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Burney (Here insert name of post office.), Ind. Ter., and died on the 15 day of November, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, (INDIAN TERRITORY.) Northern District.

I, Billy Jackson on oath state that I am 70 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Burney (Here insert name of post office.), Ind. Ter.; that I am Son of Lucy (Here insert name of deceased.), (State relationship, as: the father; an uncle; a cousin, etc.) who was a citizen, by blood, of the Creek Nation; and that said Lucy (Here insert name of deceased.) died about the 15 day of November, 1900.

(SIGNED) Billy his X mark Jackson

WITNESSES TO MARK:

(SIGNED) J. D. Berry

(Must be Two Witnesses.)

(SIGNED) Ed. Merrien

Subscribed and sworn to before me this 12 day of August 1901.

Seal

(SIGNED) William T. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, (INDIAN TERRITORY.) Northern District.

I, Amy Jackson, on oath state that I am 45 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Burney (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with and daughter in law of Lucy (Here insert name of deceased.) who was a citizen, by blood, of the Creek Nation; and that said Lucy (Here insert name of deceased.) died about the 15 day of November, 1900.

(SIGNED) Amy her Jackson
mother in law

WITNESSES TO MARK:

(SIGNED) J. D. Berry

(Must be Two Witnesses.)

(SIGNED) Ed Merrien

Seal

Subscribed and sworn to before me this 12 day of August 1901.

(SIGNED) William T. Martin
Notary Public.

3813

Creek Rn. 439.

In the matter of the application for the enrollment of Lucy Yosta as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on February 27, 1904, Billie Jackson appeared before the Commission and made application for the enrollment of his deceased mother, Lucy Yosta, as a citizen of the Creek Nation.

The evidence shows that said Lucy Yosta was a full blood Creek; that she removed to the Creek Nation from the State of Texas about five years next before the application herein; that prior to that time she had resided all her life in said State of Texas, and that she died about one year after her said removal.

It does not appear that said Lucy Yosta was ever enrolled by the Creek tribal authorities; nor does it appear that she was ever admitted to citizenship in said nation by the tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

In the Creek case of John Blunt the Department held that a full blood Creek who removed to the Creek Nation and died there prior to the ratification of the Creek Agreement, act of March 1, 1901 (31 Stats., 861), should be denied.

It is, therefore, the opinion of the Commission that the application for the enrollment of Lucy Yosta as a citizen by blood of the Creek Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this June 16, 1904

Muskogee, Indian Territory, June 16, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lucy Yoeta as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

DCS-6/16-6.

[illegible], Indian Territory, June 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lucy Locke as a citizen by blood of the Creek Nation, including the decision of the Commission, dated June 16, 1904, denying said application.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

MCR-6/16-4.

[redacted]

Muskogee, Indian Territory, June 12, 1906.

Billie Jackson,

[redacted], Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your mother, Lucy Yosta, as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

DCS-6/16-6.

DEPARTMENT OF THE INTERIOR

Land
40505-1904

OFFICE OF INDIAN AFFAIRS

WASHINGTON October 12, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated June 16, 1904, transmitting the record of the application for enrollment as a Creek citizen by blood by Billie Jackson for his deceased mother, Lucy Yosta.

June 16, 1904, the Commission decided adversely to the applicant.

The record shows that Lucy Yosta was a full blood Creek; that she removed to the Cherokee Nation from the State of Texas about five years preceding the application herewith; that prior to that time she had resided all her life in the State of Texas, and that she died about one year after her removal to the Creek Nation. It does not appear that she was ever enrolled, or admitted to citizenship by the Creek Nation or by the United States.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner.

Acting Commissioner.

M.M.M.

W.

DEPARTMENT OF THE INTERIOR. FHE J.P.

I. T. D. 10450-1904.

WASHINGTON

L.R.S.

October 20-1904

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

June 16, 1904, you transmitted the record in the matter of the application made by Billie Jackson for the enrollment of his deceased mother, Lucy Yosta, as a citizen by blood of the Creek Nation, including your decision of the same date, denying said application.

Reporting in the matter October 12, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

No. 484

Muskogee, Indian Territory, October 29, 1904.

Billy Jackson,

Burney, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of October 20, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated June 16, 1904, denying your application for the enrollment of your deceased mother, Lucy Yosta, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Register

[redacted]

W. L. [redacted],
Attorney for [redacted],
[redacted], [redacted].

Sir:

You are hereby notified that the Secretary of the Interior, under date of October 20, 1904, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated June 16, 1904, denying the application of Billy [redacted] for the enrollment of his deceased mother, Lucy Tonta, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 27, 1904.

In the matter of the application for the enrollment of Robert Ben as a citizen by blood of the Creek Nation.

APPEARANCE: G.G.Calmeas, attorney for applicant.

An effort was made to have the attorney for Creek Nation present but the Commission was informed by his office that he was not in.

Big Ben, being called and sworn, testified as follows through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Big Ben?
Q How old are you? A About 50 years old.
Q What is your post office address? A Weleetka.
Q Are you the father of Robert Ben? A Yes sir.
Q What is the name of his mother? A Martha Ben.
Q Are you a citizen of the Creek nation? A Yes sir.
Q Is your wife a citizen? A Yes sir she was; she's dead now.
Q. Both full blood Creek Indians? A Yes sir.

The records of the Commission show that Big Ben and his wife Martha are listed for enrollment on Creek Indian Card Fild No. 1440, and that their names are contained in the partial list of Creek citizens by blood approved by the Department March 13, 1902, Nos. 4565 and 4566, respectively.

Q Is Robert Ben living or dead? A He is dead.
Q When was he born? A March 10, 1900.
Q When did he die? A October 15th.
Q How old was he when he died? A Nearly a year old; was born in November and died in October.

EXCUSED and A.P.Stevenson called and swor, testified as follows:

By the Commission:

Q What is your name? A AP.Stevenson.
Q How old are you? A I am 47 years old.
Q What is your post office address? A Weleetka.
Q Do you know Big Ben? A I do.
Q Do you know a child of his named Robert? A I do.
Q The child, is dead, is it? A Yes sir.
Q About how old was the child when it died? A It was born March 10, and died October 15th.

March.
Q How do you know the child was born ~~October~~ 10? A Well, I was there the day following.
Q Are you related to the family in any way? A I am Big Ben's son-in-law.
Q Were you present when the child died? A No sir.
Q Were you at the burial? A No sir.
Q How far do you live from Big Ben? A About 5 miles.
Q Did you hear of the death soon after it occurred? A Yes sir, my wife went down there to the burying; she was there when the child died and was at the burial.
Q Did you marry a daughter of Big Ben? A Yes sir.
Q How long since you married her? A Its been five years.
Q Have you any young children? A I have two.
Q What is your wife's name? A Polly Ben- Stevenson.
Q Is she enrolled by the Commission under the name of Polly Stevenson? A She is.
Q Have you a child named Augusta? A I have.
Q Was Robert Ben born before your child Augusta or after? A After.
Q How long after? A About something like 6 or 8 or 10 months.
Q What time of the year was your child, Augusta born? A September.
Q Was Robert Ben born the next Spring? A I don't think he was; I am not sure about that.
Q You are certain he was born in March? A He was born the 10th of March from what they tell me.
Q You know about the time he was born? A It was in March.
Q Was he born in the Spring of the year? A Yes sir.
Q You say you don't know whether he was born the next Spring after your child was born or not? A No, I would have to study that matter over; but I believe it was, for they all had smallpox there and that's what made him blind and it occurs to me now that it was the following Spring that the child was born.

The records of the Commission show that Augusta Stevenson was born in September, 1899.

Affidavits heretofore filed in the case are made part of the record herein.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 27, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to me before me this 27th day of February, 1904

Charles H. Ladyman

Notary Public.

Creek En.440.

In the matter of the application for the enrollment of Robert Ben as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on February 27, 1904, Big Ben appeared before the Commission and made application for the enrollment of his deceased child, Robert Ben, as a citizen by blood of the Creek Nation.

The evidence shows that said Robert Ben was born March 10, 1900, and died October 15, 1900; that he was the child of Big Ben and Martha Ben, whose names are contained in the partial list of Creek citizens by blood approved by the Department, March 13, 1902, numbers 4565 and 4566, respectively.

It is, therefore, the opinion of the Commission that Robert Ben, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this April 27 1904

Muskogee, Indian Territory, February 25, 1904.

A.P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the testimony in the matter of the application for the enrollment of Robert Ben as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGR. 5.

Creek No. 440.

Muskogee, Indian Territory, April 25, 1904.

Honorable P. Porter,

Principal Chief Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Robert Ben as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Robert Ben will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-2-28.

May 13 Listed as Card 452

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 29, 1904.

In the matter of the application for the enrollment of Easter Walker as a citizen of the Creek Nation.

Easter Walker being duly sworn testified as follows, partly through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Easter- I have no surname.
Q Is it Easter Walker? A Yes sir.
Q How old are you? A I don't know.
Q
(She appears to be about 65.)
Q What is your post office address? A Arbeka.
Q Do you claim to be a Creek by blood? A Yes sir.
Q What is the name of your father? A I don't know.
Q What is the name of your mother? A I don't know that either.
Q Died- both of them when you were small? A Yes sir.
Q How much Creek blood do you claim? A Full blood.
Q You don't claim to be a full blood Creek, do you? A No; I was raised with the full bloods though;I am not a full blood myself.
Q To what town in the Creek Nation do you claim to belong? A Wewoka.
Q Did you ever draw any money from the Creek Nation? A Yes sir, $4.
Q When was that? A I don't know when it was.
Q Have you any children? A Yes sir, Jim Barnett.
Q Did you ever go by the name of Easter Barnett? A Yes sir.
Q Has-Jim Barnett got a child named Roxana? A My son has; yes sir.
Q One named Elnora? A Yes sir.

Records of the Commission show that Jim Barnett is listed for enrollment on Creek Freedman card Field No. 1960, approved roll #4832.

Q Was his father named Jim? A Yes sir.
Q Is he living? A No sir.
Q How long has he been dead? A I reckon about two or three years; I don't know exactly what time.

The father of the Jim Barnett who is enrolled appears to be Jim Barnett and his mother Ester Barnett, and it appears from the card in that case that Ester Barnett is a non-citizen.

Q You didn't draw the $29 payment? A I don't know sir.
Q You didn't get the money? A No sir;$4 I never got neither; them Indians got away with,it.
Q What name did you go by when you was a child? A I don't know sir; I don't know my old people except Cumsey Bruner; my mama dead I was baby
Q What town did Cumsey Bruner belong to? A I don't knew;his sister child.

Q You don't know what town Tommy Brunner belonged to? A No sir.
Q Has he got any children living? A Yes sir.
Q What are their names? A August Brunner, Nicky Brunner; John Toosmeey.
Q Were you a slave? A No sir; I just stayed with the Indians.
Q You were never a slave? A No sir.

The 1890 authenticated tribal roll of the Creek Nation examined and the applicant not identified on that roll; the 1895 payroll and the 1895 omitted roll examined and the applicant not identified on either of said rolls. The 1891 omitted pay roll examined and at No. 438, the name of Easter Walker is found with a pencil mark across the name and the following notation in red ink opposite: "Erased by Committee." No reason appears for the erasure. The original report of the Committee which was adopted by the National Council of the Creek Nation examined and the name of Easter Walker found in Canadian Colored Town with pen marks drawn across her name; has nothing to indicate when these marks were drawn across her name and no explanation is given therefor.

The 1895 Doubtful roll of the Creek Nation examined and the name of Easter Walker is not found thereon.

Referring to the 1891 omitted pay roll, the words "Erased by Committee" are in a different handwriting from the roll.

Q Do you live in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Ever since Peace was made.
Q Ever since the War? A Yes; ever since the Creeks come into this country; I have been staying with Boney here on Deep Fork.
Q Boney who? A I don't know what his other name is.
Q Is he dead? A He is living.
Q Is he a Creek by blood? A Yes sir.

Henry C. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 29, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Hains

Subscribed and sworn to before me this 2nd day of March, 1904.

Charles N Sampson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MAY 10, 1904.

Supplemental testimony

In the matter of the application for the enrollment of Easter Walker as a citizen of the Creek Nation.

Easter Walker being duly sworn, testified as follows through Alex Posey, official interpreter:

Examination by the Commission:

Q What is your name? A Easter. (Prompted) Easter Walker.
Q What is your age? A I don't know. (Witness appears to be about 65)
Q What is your post office address? A Arbeka.
Q Are you the identical person who made application to the Commission on February 29, 1904, for enrollment as a citizen of the Creek Nation under the name of Easter Walker? A Yes sir.
Q Have you ever been told who,your father and mother were? A She says she don't know her mother but she knows her father.
Q Was your father a citizen of the Creek Nation or the Choctaw Nation? A Choctaw nation.
Q Have you ever been told whether,your mother was a negro or Indian? A No sir.
Q Didn't you state yesterday that you had been told that your mother was a negro? A She said that she stated yesterday that she didn't know who her mother was.
Q Was your mother a sister of Cumsey Bruner? A Well, that's what they say; I don't know.
Q Your mother died when you were very small didn't she??A Yes, baby; injun raised me.
Q Did your father die when you were small? A So high.
Q All you know about your father and mother is what has been told you? A That's all I know.
Q How many times have you drawn money from the Creek Nation?
A I don't know;I never got nothing but the $4 payment; I don't know the other.
Q You don't know whether any other was ever drawn for you? A That's all, the $4; that's all I know; maybe my witnesses knows.

Witness excused and Lewis Isaac being called and sworn, testified as follows.

In the matter of the application for the enrollment of Isaac as a citizen of the Creek Nation.

By the Commission:

Q What is your name? A Lewis Isaac.
Q What is your age? A I don't know how old I am.
Q About how old are you? ----(Appears to be about 30 years of age).
Q What is your post office address? A Boley.
Q Do you desire to make application for the enrollment of yourself as a citizen of the Creek Nation? A Yes sir.
Q Have you ever drawn any money from the Creek Nation? A Yes sir. I drew that $29.
Q Under what name? A Lewis Camp; that's what they used to put me down with Paro Bruner; I was on the Canadian.

Q What is the name of your mother? A [illegible].
Q Is she the identical person who had made application for the enrollment of herself as a citizen of the Creek Nation? A Yes sir.
Q Do you know whether she ever drew any money as a citizen of the Creek Nation? A No sir; she only drew [illegible] money.
Q What was the name of your father? A [illegible].
Q Was he a citizen of any Indian tribe in Indian Territory?
A I don't know.
Q Did he ever draw any money from the Creek Nation? A No sir; he died when I was small.
Q Did you draw the 1895 payment? A No sir.
Q Did you make an attempt to draw it? A Yes sir and they throwed me off.
Q What town do you belong to? A Canadian.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Lewis Isaac is found thereon page 74, Canadian town;

Q What was that they told you when you went to them and told them you wanted to draw the 1895 money? A They didn't tell me anything and say my mama is off the payroll and said you would have to be off until mama comes again.
Q Are you married? A No sir.
Q Have you any children? A No sir.

The 1895 payroll and the 1895 omitted roll examined and the name of the applicant is not identified thereon; the 1895 doubtful roll examined and the name of the applicant not identified thereon.

Examination by Mr. McKennon:

Q Where were you born? A On Red River.
Q In the Creek Nation? A Yes sir.
Q What nation was that you were born in? A Chickasaw I guess.
Q How long have you lived in the Creek Nation? A I don't know how long; when I found myself I was in the Creek Nation here.
Q Have you ever been voting in the Creek Nation? A Yes sir.
Q How long? A I voted last year.
Q How long have you voted in the Creek Nation? A Ever since I was big enough to know myself.
Q Have you ever been tried in the courts of the Creek Nation?
A Yes sir.
Q Were you convicted and punished? A Yes sir, in Muyaka court house; they had me twice; once down at Wetumka- they never convicted me there

Excused and Boney Randall called and sworn, testified as follows through official interpreter, Alex Posey:

Examination by the Commission:

Q What is your name? A Boney Randall.
Q How old are you? A About 56a

Q What is your post,office address? A Henrietta.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Cussehta.
Q Have you ever held any official positions in the Creek Nation?
A He says- never fooled with politics; he says that when people put their heads together that makes politics, but he has never butted in himself.
Q How long have you lived in the Creek Nation? A Born and raised here and never out of the country except during the War.
Q Do you know one Easter Walker? A Yes sir.
Q How long have you known her? A Since shortly after the war.
Q Do you know who her father was? A He dodn't know.
Q Do you know whether he was a citizen of the Creek Nation or a Choctaw? A Don't know.
Q Do you know who her mother was? A No.
Q Do you know whether her mother was a freedman or an Indian?
A He says he knows positive absolutely nothing about her.
Q Do you know whether Easter Walker ever drew any money from the Creek Nation? A He does not know only from hear-say.
Q What do you know about Easter Walker's right to enrollment as a citizen of the Creek Nation? A He says he has always regarded her as a Chickasaw but he doesn't know whether she was a citizen of the Creek Nation or not; he brought her here from Red River.
Q Do you know whether she has been recognized by the Creeks at any time as a citizen of the Creek Nation? A No sir, he does not.
Q Do you know Lewis Isaac? A Yes sir.
Q Do you know his father? A No sir.
Q Did you bring Easter Walker from the Chickasaw Nation after Peace was declared? A Yes sir, about 10 miles this side of the Texas line in the Chickasaw Nation.
Q Did she have this son, Isaac, at that time? A Yes, small boy at that time.
Q Was Lewis living when the Dunn Roll was made? A Yes sir.
Q Were they recognized at that time as Chickasaws or Creek freedmen
A He doesn't know; he himself has always regarded them as Chickasws
Q Did you raise them? A They left him about a year after he returned from Red River.
Q Did you bring them here as your slaves? A They worked for him; he fed them and brought them back.
Q Did you buy them? A No; they had no mistress at that time.
Q To what town have you always understood that Easter and Lewis claimed to belong? A He does not know; he simply regarded them as Chickasaws because Easter speaks Chickasaw; he said she used to speak Chickasaw altogether.

Examination by Mr. McKennon:

Q Do you know whether this man voted or not? A He don't know. He lives at Cussetah and they live over there towards the Oklahoma line.
Q Ask him if he was ever tried in the Creek courts and whipped?
A Only from hear-say.

Witness excused and Aaron Grayson called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Aaron Grayson.
Q How old are you? A They claim I am 32.
Q What is your post office address? A Okemah.

Q Are you a citizen of the Creek Nation? A Yes sir.
Q You are a Creek freedman? A Yes sir.
Q To what town do you belong? A Arkansas.
Q Do you know Master Walker? A Yes sir.
Q Do you know whether she ever drew any money from the Creek Nation?
A Not personally, but I have heard she drew that $4 a head; that's all the money I ever heard she drew.
Q You don't know anything of your own knowledge about that? A No sir; I was quite young then.
Q Do you know whether she has ever drawn any money since that time?
A No sir, not to my knowledge.
Q Do you know her son, Lewis Isaac? A Yes sir.
Q How long have you known him? A I have been knowing Lewis for the last 20 years or longer.
Q Do you know whether he has been recognized as a citizen of the Creek Nation? A Yes sir, he has always been recognized to my knowlege
Q Do you know whether Lewis Isaac ever committed an offense in the Creek Nation and was arrested and tried by the Creek tribes? AYes sir.
Q Do you know that of your own knowledge? A Yes sir.
Q Do you know whether the penalty was inflicted on him? A Yes sir.
Q What was the penalty? A Fifty lashes.
Q You know that of your own knowledge, do you? A Yes sir.
Q Do you know whether Lewis drew the 1890 payment? A No sir, I don't know that.
Q Do you know whether he attempted to draw the 1895 or $14.40 payment? A Yes, I know he attempted to draw that.
Q Do you know whether he drew it? A No sir, he didn't drew it.
Q Do you know what was the reason given him at that time? A I don't know for certain what was the reason he didn't draw it.

Excused and Nocus Fixico called and sworn, testified as follows:thro' official interpreter, A.Posey:

By the Commission:

Q State your name, age and post office address? A Nocus Fixico;about 62;Arbeka and Okemah.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q You are a full blood Creek, aren't you? A Yes sir.
Q Do you know Lewis Isaac? A Yes sir.
Q Do you know whether he has been recognized as a citizen of the Creek Nation? A Yes.
Q Did you know his father? A No sir.
Q Do you know whether Lewis Isaac committed an offense in the Creek Nation and was tried by the Creek tribes? A Yes, he was.
Q Were you a member of the jury before whom the case was tried?
A Yes.
Q Was he punished? A He was whipped.
Q How long ago was that? A About the time of the expiration of the tribal government; he don't remember exactly.
Q How many years ago? A It must be 6 or 7 years.

#######

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above

over May 10, 1904, and that this is a true, true and correct [illegible]
of his photographic [illegible].

Henry H. Lewis

Subscribed and sworn to before me this 12th day of May, 1904.

Charles F. Sawyer
Notary Public.

885

No. 442.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Easter Walker and Lewis Isaac as citizens of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on February 29, 1904, Easter Walker appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation. Further proceedings in the matter of said application were had May 10, 1904, and Lewis Isaac was included in the application.

It appears from the evidence that the applicants may be possessed of both Indian and negro blood and the application is therefore treated as for enrollment as citizens by blood of the Creek Nation and as Creek Freedmen.

It further appears that neither of the applicants are full blood Creek Indians; that the name of Easter Walker is found on the 1890 Omitted Roll of the Creek Nation, and on no other roll of said nation in the possession of the Commission; and that her name on said 1890 roll was cancelled before said roll came into the possession of the Commission. The records of the Commission and the records of the Creek Nation in the possession of the Commission have been examined and it does not appear that said Easter Walker has ever been admitted to citizenship in the Creek Nation by the Commission, the Tribal Authorities, or the United States Court in Indian Territory.

It further appears that Lewis Isaac is identified on the 1890 Authenticated Tribal Roll of the Creek Nation, Canadian Colored Town, and that he is not identified on the 1896 roll, nor upon the 1895 Doubtful Roll.

It is the opinion of the Commission that there is no authority of law for the enrollment of Easter Walker as a citizen of the Creek Nation, and that the application for her enrollment as such should, therefore, be denied, and it is so ordered.

It is further the opinion of the Commission that Lewis Isaac should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
OCT 11 1904

Creek Enrollment No. 441.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Easter Walker for enrollment as a citizen of the Creek Nation.

Supplemental testimony taken at Wewoka, Indian Territory, May 5, 1906.

A. S. McKennon appearing as Attorney for applicant.

Easter Walker, being duly sworn, testifies as follows:

Examination by the Commission:

Q. What is your name? A. Easter Walker.
Q. How old are you? A. I don't know. (Witness appears to be about 65.)
Q. What is your post office? A. Boley, Indian Territory.

Examination by Mr. McKennon:

Q. How long have you lived in the Creek Nation? A. I have been living here ever since the Creeks came in.
Q. Have you always been recognised as a Creek citizen? A. Yes sir.
Q. Do you know anything about the Council of the Creek Nation or any Committee appointed by the Council marking your name off of the roll of citizens? A. Yes sir.
Q. What do you know about that? A. I was at Muskogee to see about that.
Q. When? A. Since that day when they took me off,
Q. Before the Dawes Commission? A. Yes sir.
Q. Do you know any reason why the Creek people tried to put you off the roll? A. I took my name from the Indian roll and put it on the colored roll, then they threw me out.
Q. You took your name off the Indian roll and put it on the freedman roll, and then they threw you out? A. Yes sir.
Q. Because they didn't think you were a colored woman? A. Yes sir.
Q. They thought you were an Indian? A. Yes sir.
Q. Is that all the reason you know why they marked your name off? A. Yes, that is all I know about it.
Q. What was your father? A. My father was an Indian.
Q. What was his name? A. Su-a-nee.
Q. What was your mother? A. I don't know anything about that.
Q. She died when you were a baby? A. Yes sir.
Q. Were you ever a slave? A. I don't know about that either.
Q. Your father was an Indian? A. Yes sir.
Q. You don't know whether your mother was a colored woman or not? A. I don't know; he said she was a colored woman; that is all I know about it.
Q. Do you know what town your father belonged to? A. Wewoka. I used to belong to the Wewoka ~~Ex~~ Town. I belonged to the Canadian Band, but they didn't want an Indian and they threw me out.
Q. The Canadian Band was a colored band or a freedman band? A. Yes sir; Pare Bruner's Band.

Examination by the Commission:

Q. How many years have you lived in the Creek Nation? A. I have been here since he was a baby (indicating her son, Louis Isaac).

Q. Were you here at the time the War closed? A. Yes sir.
Q. The last Civil War? A. Yes sir, I have been here since the Creeks came in during the war.
Q. Did you ever hear of a man by the name of Major Dunn? A. Yes sir.
Q. Where did he have his office? A. Well sir, I never studied that more than they told me.
Q. Did you know what Major Dunn was doing in this country? A. Yes sir.
Q. You have heard of the name? A. Yes sir.
Q. And you have lived in the Creek Nation ever since then? A. Yes sir.
Q. Where did you come from at the time you came to the Creek Nation? A. We came over at the time the Creeks came in from the Red River.
Q. Do you know what state it was? A. Muskogee; I stepped at Muskogee before it was built.
Q. Do you know whether you were born in the Creek Nation? I reckon I was; I don't know. Tecumseh Bruner is my uncle, he will know.
Q. Do you remember shortly after the Civil War when Major Dunn was making a roll of the colored people? A. I can remember that, but nobody told me much about it, and I don't know; I heard that name.
Q. About how many times have you drawn money from the Creek Nation? A. Once, about four dollars.
Q. That was what they called bread money? A. Yes sir.
Q. Do you know about how long ago that was? A. No sir.
Q. Did you ever appear before a committee or body of men at Okmulgee, who questioned you as to your citizenship? A. Yes sir, I have been there.
Q. When you went to Okmulgee before this Commission were there some Indians on the ~~Commission~~ Committee? A. Yes sir.
Q. Were there any colored people on that Committee also? A. Yes sir.
Q. Was that the time they told you you couldn't be on the Canadian Roll because you were an Indian? A. Yes sir.
Q. That was the time they told you that? A. Yes sir, they threw me out then, this Indian Council.
Q. Do you remember whether Louis Isaac drew any money from the Creek Nation? A. Yes sir, all my children drew that.
Q. Did you try to draw some money at the same time? A. Yes sir.
Q. What did they tell you? A. They told me I couldn't draw it.

Frank C. Sabourin, being duly sworn, states that he is a stenographer for the Commission to the Five Civilized Tribes, and that the foregoing two pages contain a true transcript of his stenographic notes taken in said case on May 5, 1905.

Frank C. Sabourin

Subscribed and sworn to before me this 6th day of May, 1905.

Edward Merrick
Notary Public.

Seal

HEARINGS OF THE DAWES COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 4, 1896.

In the matter of the application for the enrollment of Luther Walker, et al. as Creeks.

A. P. McKellop, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q State your name, age and postoffice. A A. P. McKellop; 46; Muskogee.

Q You are a citizen of the Creek Nation, are you? A Yes sir.

Q Have you ever held any official position in the Creek Nation?

A Yes sir.

Q Will you state the official positions that you have held?

A The offices of tax collector, member of the Board of Education, district judge, attorney-general of the Creek Nation, delegate to Washington representing the Creek Nation, clerk of the House of Warriors. For 20 years, from 1882 to 1902, I signed every bill that passed the Council at that time. I am now Town King of Coweta Town.

Q As a clerk, were you familiar with the business of making up the rolls of the Creek Nation? A Yes sir.

Q Can you state the entire procedure in the matter of making what is known as the "1891 Omitted Pay-Roll?"

A A census was taken of the Creek people preparatory to making the payment by the members of the Council. The council members made a rule that the members of their respective towns, under a resolution of the national council, at the next meeting of the council--the several members, as made by the members of the council, were submitted to the council and submitted by the council to a committee which was authorized to pass upon the correctness of the rolls as made by the members of the council. The committee was authorized to call in members of the council or other citizens in determining the citizenship of any person whose rights were questioned. The committee then reported to the council and the report was adopted by the council and then became the accepted roll of the Creek Nation.

Q The names were first submitted, then, by the officers of the different Towns to the Council, were they? A Yes, the census was taken by the members of the council and submitted to the council in session.

Q And the Council referred to a committee? A Yes sir.

Q And the committee then passed on the citizenship of the people whose names were on the census roll? A Yes sir.

Q And the council then approved the roll? A Yes sir.

Q A person whose name was on the census roll before that roll was submitted to the council or committee--would that person be considered as a citizen before the roll was approved? A No sir; the roll presented by the members of the council preparatory to correct the census roll was not considered until passed upon by the committee of the council and then finally approved by the Council. The Council, at no time, accepted the census of the several towns made by the members without further investigation--accept the census as made by the members until it went through the regular channel of investigation by the committee of members

of the Council and approved by the Council [illegible] in other words, the Council was the [illegible] census roll of the Creek Nation.

Q. If a name had placed on [illegible] and that was [illegible] on out by the committee of [illegible] and the [illegible] quently approved the roll [illegible] remember that [illegible] That was generally in [illegible] had to be approved by all the members of the Council--in every instance that I can recall now.

INDIAN TERRITORY, Western District.

I, J. M. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

J. M. Miller

Sworn to and subscribed before me this the 27 day of June, 1905.

Edwin Strang

Notary Public.

In the matter of the application for the enrollment of [redacted] Walker as a citizen of the Creek Nation.

APPEARANCE: Capt. A. S. McKennon, Attorney for Applicant.

Lewis Isaac, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:
Q What is your name? A Lewis Isaac.
Q You have appeared in this case before, haven't you? A Yes sir.
Q Have not changed your postoffice? A Yes sir.

BY MR. MCKENNON:
Q Do you know of any one having been punished by the Creek authorities for stealing hogs from your mother? A Yes sir.
Q Who was it Johnnie Cobb.
Q Where was he tried? A Euyaka Court House.
Q How did they punish him? A They whipped him.
Q You know when that was? A No, sir, I don't know just exactly when that was. I was at Wewoka when they punished him.
Q You were not present? A I was not present at that time.
Q Have you any witnesses who know that fact who were present?
A That same gentleman I was talking to, Moses Fixico and Josiah Looney. They know about that and were present when it was done. Just there at that time.

INDIAN TERRITORY, Western District.
I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

J. Y. Miller

Sworn to and subscribed before me
this the 10th of November,
1905.

J. McDermett
Notary Public.

Cr Ex 441

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, November 4, 1905.

In the matter of the application for the enrollment of Easter Walker, et al. as citizens of the Creek Nation.

Nocus Fixico, being duly sworn, testified as follows (through Jesse McDermett, Official Interpreter):

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A Nocus Fixico.
Q How old are you? A About 64.
Q Are you a citizen of the Creek Nation? A Yes, I am.
Q You may now state if you know anything about the enrollment of Easter Walker or Lewis Isaac. A About seven or eight years ago one Josiah Looney was Judge of the Deep Fork District. This man Lewis was convicted for stealing some cattle from an Indian by the name of Hotulkochee.
Q You testified about that before in this enrollment case, but Captain McKennon thught you knew something about another incident which this man Lewis Isaac said yesterday that his mother had had some hogs stolen from her and that the man who stole them was prosecuted in the court you mentioned. Do you know anything about it? A There was an instance of that kind, but I don't know who was convicted of the crime for stealing the hogs.
Q Does he know that some one stole hogs from Easter Walker and the party was punished for that? A Yes, I don't know who that party was.
Q Were you in the court that sentenced this man for stealing the hogs? A Yes sir.
Q Ask him if he knows why that was done or what bearing it has on the citizenship of Easter Walker. A At that time the Creek authorities did not try any one for stealing the property of a non-citizen.
Q Are you sure that they punished the man whose name you cannot remember now for stealing the hogs of Easter Walker? A I know that the man was punished for the crime, but I cannot recollect his name, in fact, I didn't know his name.
Q But did you know that it was Easther Walker's hogs that he had stolen? A Yes sir.
Q From you knowledge of the customs of the Indian courts, you think then that that was an indication that she was a citizen? A Yes sir.
Q Is that the only thing you know about the citizenship of this woman? Have you any further statement to make? A A short time before Isparhecher, there was a little payment of $4 a head, and Easter told me that she had drawn that money for herself in Wewoka Town. The last statement was just told me by her.
Q That was the bread money, was it? A I don't know what the payment was for but it was $4 a head.
Q Is there any further statement you want to make now? A No sir, I have no other statement besides this to make.

.....

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

J. Y. Miller

Sworn to and subscribed before me this 14 day of November, 1905.

Edw. E. Grieser Notary Public.

Muskogee, Indian Territory, March 3, 1.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the testimony in the matter of the application for the enrollment of Master Walker as a citizen of the Creek Nation.

Respectfully,

Commissioner in Charge.

MGM 1.

J.H.B.

Muskogee, Indian Territory, April 8, 1904.

Mrs. R. S. Webb,

Arbeka, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 28, relative to the right to enrollment of Easter Walker. You ask to be furnished with the post-office address of Bony Randall, who, it is stated, said Easter Walker desires to bring before the Commission as a witness.

In reply you are advised that the post-office address of Bony Randall, as shown by the Commission's records, is Okmulgee, Indian Territory.

Respectfully,

Commissioner in Charge.

Affidavit of Easton Walker

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 21 1904

CHAIRMAN.

Fort Smith & Western Townsite Co.

T. M. HAYNES, Local Manager,

Boley, Indian Territory. Sept. 1

I hereby make affidavit that I had a case tried before the Creek Court in 1896. It was against John Cobb and was tried before Josiah Loney at Muskogee Court House. Jacob Knight was Prosecuting attorney and also Lighthorseman at that time.

The subpoena is still in my possession and will be sent to the Commission if they desire it.

Wit. { W. A. Webb
C. P. Jackson

Waiter Walker + his mark.

Sworn to and Subscribed before me this 17th day of Sept. 1904 at Boley I. T.

Com. Ex. pires Nov. 9th 1907

J. M. Haynes Notary

Cr. En. 441

Muskogee, Indian Territory, October 17, 1904.

A. S. McKennon,

Attorney for Easter Walker et al.,

South McAlester, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Easter Walker and Lewis Isaac as citizens of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

HGH-41-10-17

No. 441.

Muskogee, Indian Territory, October 17, 1904.

Lewis Isaac,

Boley, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and Baster Walker as citizens of the Creek Nation.

The decision with a copy of the poreedings had in the same is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Register
WOW-3-10-17.

No. 441

Muskogee, Indian Territory, October 17, 1906.

Hester Walker,

Arbeka, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and Lewis Isaac as citizens of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

MOK- 3-10-17

Register

Muskogee, Indian Territory, October 17, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Easter Walker and Lewis Isaac as citizens of the Creek Nation.

The decision with a copy of the proceedings had in the cases is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

WGH-1-10-17

Creek No. 441

Muskogee, Indian Territory, October 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

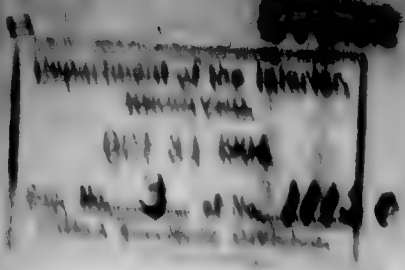
There is herewith transmitted the record of proceedings in the matter of the applications of Hester Walker and Lewis Isaac for enrollment as citizens of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying Hester Walker, and enrolling Lewis Isaac.

Respectfully,

Tams Bixby.
Chairman.

Through the Commissioner
of Indian Affairs.

HCW-4-10-17.



Refer in reply to the following:

Land.
76094-1904.

(COPY.)

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 29, 1904.

The Honorable,

Secretary of the Interior.

Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application, made February 29, 1904, for enrollment as citizens of the Creek Nation, by Easter Walker and Lewis Isaac.

October 11, 1904, the Commission decided adversely to Easter Walker and favorably to Lewis Isaac.

The record shows that neither of the applicants are full-blood Creek Indians; that the name of Easter Walker is found on the 1891 Omitted Roll of the Creek Nation, but on no other; that her name on said 1891 roll was cancelled before the roll came to the hands of the Commission. It does not appear that Easter Walker has ever been admitted to citizenship by the Creek tribal authorities or by any United States tribunal. It also appears that Lewis Isaac is identified on the 1890 Authenticated Tribal Roll of the Creek Nation, Canadian Colored Town, and that he is not identified on any other roll.

In view of the record, the approval of the Commission's

decision adverse to Easter Walker and favorably to Lewis Isome is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MMM-W

Muskogee, Indian Territory, December 9, 1904.

Louis Isaac,

Boley, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 6, requesting to be informed of the status of your application for enrollment as a citizen of the Creek Nation.

In reply you are advised that the record in the case was transmitted to the Secretary of the Interior October 17, 1904. The Commission has not been informed of any action having been taken by the Department in the case. When the case is disposed of you will be duly notified.

Respectfully,

Chairman.

INDEXED

[illegible]
12930
DEC 28 1904

87922

Department,
Ryan,
Washington, D. C.,
Dec. 15, 1904.

Remands, for readjudication,
Creek enrollment case of
Easter Walker, et al.

1

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 11120-1904. December 15, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 29, 1904, the Indian Office submitted the papers in the Creek enrolment case of Easter Walker and her son Lewis Isaac, and recommended that your decision be affirmed.

It is stated in your decision that the applicants may be possessed of both Indian and negro blood; that Easter Walker's name is found on the 1891 Omitted Roll of the Creek Nation and on no other roll, and that her name on the 1891 roll was cancelled before said roll came into the possession of the Commission; that it does not appear that Easter Walker has been admitted to citizenship in the Creek Nation.

You found that Lewis Isaac is identified on the 1890 authenticated roll, Canadian Colored Town. Your decision then was as follows:

"It is the opinion of the Commission that there is no authority of law for the enrollment of Easter Walker as a citizen of the Creek Nation . . . . .

It is further the opinion of the Commission that Lewis Isaac should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495), and March 1, 1901 (31 Stat., 861), and it is so ordered."

The evidence indicates that neither of these claimants have Creek blood; apparently therefore you have decided in favor of Lewis Isaac because his name is on the 1890 roll, and because of certain provisions relative to colored persons in the treaty of 1866. The Department is more uncertain why you rejected Easter Walker. Apparently it was because her name does not appear on any roll except the 1891 omitted payroll. In regard to this it was stated at the time the first testimony was taken in February, 1904, that

"The 1891 omitted pay roll examined and at No. 438, the name of Easter Walker is found with a pencil mark across the name and the following notation in red ink opposite: 'Erased by Committee.' No reason appears for the erasure. The original report of the Committee which was adopted by the National Council of the Creek Nation examined and the name of Easter Walker found in Canadian Colored Town with pen marks drawn across her name; has nothing to indicate when these marks were drawn across her name and no explanation is given therefor."

This applicant has had no opportunity to show that her name was not stricken from the roll by proper authority. Both of the claimants have resided in the Creek Nation since soon after the civil war. The Department is unable to determine why you found "no authority of law" for the enrolment of Easter Walker. In view of the rulings of the Department in the case of Chaney Trent, and in order that the Department may be more explicitly advised as to the grounds upon which you based your decision, if you still adhere to it, it is deemed advisable to remand the case for readjudication.

The testimony and papers obtained thereto are inclosed herewith, together with a copy of Indian Office letter.

Respectfully,

2 inclosures.

Acting Secretary.

L. M.

M. 441.

Muskogee, Indian Territory, April 18, 1905.

J. Grady Johnson,

Wewoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 8, 1905, in which you state that you notice that a decision was rendered by the Commission enrolling Lewis Isaac as a citizen of the Creek Nation, and asking if there is anything further required in his case and when he will be allowed to file.

In reply you are advised that on October 11, 1904, the Commission rendered its decision in the matter of the application for the enrollment of Easter Walker and Lewis Isaac, as citizens of the Creek Nation, enrolling Lewis Isaac and denying the application of Easter Walker. December 15, 1904, the Department remanded the case for readjudication, and on December 28, 1904, Easter Walker was notified that she would be allowed thirty days from date within which to show that her name was not stricken from the 1891 Omitted Roll by proper authority, and for the introduction of such further evidence as she might desire.

At the request of the applicant the case has been continued from time to time, and a representative of said Easter Walker has this day been notified that she will be allowed twenty

[illegible] advise [illegible]

[illegible] evidence [illegible]

[illegible] case of said Lewis Isaac.

Respectfully,

[illegible]

B. E. Schook,

Eufaula, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 10, 1905, in which you ask that further time be granted Easter Walker to submit evidence in the matter of her application for enrollment as a citizen of the Creek Nation.

In reply you are advised that she will be allowed twenty days from date within which to submit such evidence as she may desire in said matter.

Respectfully,

Chairman.

D. D.

Cr.Rs.441.

Muskogee, Indian Territory, June 21,1906.

The Honorable,

The Secretary of the Interior.

Sir:

October 11,1904, the Commission rendered its decision in the matter of the application for the enrollment of Easter Walker and her son, Lewis Isaac, as citizens of the Creek Nation, enrolling Lewis Isaac as a Creek Freedman, and denying the application of Easter Walker. December 15,1904, the Department returned the record in the case stating in its letter of transmittal (I.T.D.11180-1904), that the applicant Easter Walker had had no opportunity to show that her name was not stricken from the roll by proper authority, and that in view of the rulings of the Department in the case of Chaney Trent, and in order that the Department might be more explicitly advised as to the grounds upon which the Commission based its decision, it was deemed advisable to remand the case for readjudication.

December 26,1904, Easter Walker and her attorney were informed of the action of the Department and were notified that they would be allowed thirty days from date within which to show

that her name was not stricken from the 1891 Roll by proper authority, and for the introduction of such other evidence as they might desire. On the same day the attorney for the Creek Nation was advised of the Department's action and of the notification sent to Easter Walker. In view of the evidence in the case it was not considered necessary to take further testimony as to the right to enrollment of Lewis Isaac, the other applicant herein.

At the request of the applicant the case was continued from time to time until May 6, 1905, on which date Easter Walker in person and by her attorney appeared before the Commission and submitted evidence in the case. Further proceedings were had June 6, 1905. No appearances were made on behalf of the Creek Nation.

The Commission found in its decision of October 11,1904, that the applicants might be possessed of both Indian and Negro blood; that neither of the applicants were full blood Indians; that said Lewis Isaac was identified on the 1890 authenticated tribal roll of the Creek Nation, and that he was not identified on the 1895 roll, nor upon the 1895 Doubtful roll; that the name of Easter Walker appeared on the 1891 Omitted roll of the Creek Nation, and on no other roll of citizens of said Nation in the possession of the Commission; and that her name on said 1891

[illegible]

[illegible] roll [illegible] of the Commission, [illegible] admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

No evidence was offered at the subsequent hearings conflicting with the Commission's findings of fact in its opinion of October 11,1904, which have been hereinbefore set out, and an examination of the roll of Creek Freedmen made by J.W.Dunn prior to March 14,1867, shows that the name of Easter Walker does not appear thereon.

The only question, then, necessary to be considered in this report is the effect of the cancellation of the name of Easter Walker on the 1891 Omitted roll.

It appears from the evidence that said 1891 Omitted roll of the Creek Nation was made in the manner usually followed by that Nation in preparing its rolls of citizens: Members of the Council, who were officers of the various towns, were directed to make census rolls of their respective towns and submit same to the National Council for its approval. These rolls were then submitted by the Council to a committee for investigation and report. The report of the committee was submitted to the Council and when adopted by that body it became the official or

authenticated roll of citizens of the Nation. The town officers, the individual members of Council, never at any time had power to admit to citizenship, and the placing by them of a name on the census roll conferred no rights whatever on the person whose name was so placed on the roll until the roll was approved by the National Council. It is, therefore, apparent that the action of the committee in erasing the name of Easter Walker from the census roll, and the approval of that action by the Council, if it was so approved, was in effect not the striking of the name from the roll, but rather a refusal by the Council, after due consideration, to put it on.

The name of Easter Walker appears on the 1891 Omitted Roll with a pencil mark through it and opposite the name in red ink are written the words "erased by committee". This roll with the name of Easter Walker thus canceled having come into the possession of the Commission directly from its proper custodians is presumably accurate and in the form in which it was approved by the Council.

In the Cherokee Enrollment case of James W. Shirley et al., the Department ruled: "The burden of proof is clearly upon the party disputing the verity of the roll."

There is no proof or claim that the name of Easter Walker on said roll was canceled through fraud or without authority of law, nor was any proof offered by the applicant against the

[illegible]

[illegible] accuracy of the [illegible] from its proper [illegible] into the possession of the Commission.

In view of the facts and the evidence, and the ruling of the Department in the Cherokee Intermarriage case of Jones V. Shirley et al., it is respectfully recommended that the decision of the Commission of October 11,1904, enrolling Lewis Isaac as a Creek Freedman, and denying the application for the enrollment of Hester Walker as a citizen of the Creek Nation, be approved.

The record in the case is herewith enclosed for departmental consideration.

Respectfully,

Chairman.

Commissioner.

Through the Commission
of Indian Affairs.
Enc.IM-345.

Commissioner.

Cr En 441

Muskogee, Indian Territory, July 28, 1905.

McKennon & Willmott,

Attorneys for Easter Walker, et al.,

Wewoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of July 24, 1905, in which you ask as to the status of the application for the enrollment of Easter Walker and Lewis Isaacs as Creek Freedmen.

In reply you are advised that said case is pending before this office, and when final action is had in the matter, you will

Respectfully,

Commissioner.

Mn.441

Muskogee, Indian Territory, October 26, 1905.

A. S. McKennon,
Attorney for Easter Walker,
Wewoka, Indian Territory.

Dear Sir:

On September 26, 1905, action in the matter of the application for the enrollment of Easter Walker, as a citizen of the Creek Nation, was at your request suspended for thirty days in order that you might introduce further evidence in said case. The time asked for by you has now expired and no further evidence has been offered.

You are requested to advise this office, at your earliest convenience, whether or not you propose taking any further action on behalf of the applicant in said case.

Respectfully,

Commissioner.

COMMISSIONER TO FIVE [illegible]
No. 49270 1905
Received OCT 28 1905

McKennon, A.S.,
Wewoka, I.T.,
Seminole Nation,
Oct. 27,1905.

States he will appear
Friday morning with
witnesses in enrollment
case of Easter Walker.

CREEK ENROLLMENTS

441

ARCHIBALD G. MCKENNON. JOHN W. WILLMOTT.
LAW OFFICE OF
MCKENNON & WILLMOTT,
WEWOKA, I. T.

V

Oct. 27-1903,

Hon. James Bixby,
U.S. Commissioner,
Muskogee, Ind. Ter,

Sir:

In reply to your letter
October 26th. 1903.

I have arranged to have
witnesses, in matter of application
for enrollment of Easter Walker,
before you at Muskogee, on
Friday Morning Oct, 30th 1903,

Hope this will meet with
your approval,

Respectfully,
A.G. McKennon,

Department of the Interior
RECEIVED
DEC 26 1905
No. 12019
Indian Territory Division.

Secretary of the Interior,
Washington, ... 190.5.
Respectfully referred to the
Commissioner to the Five Civilized Tribes for consideration
and appropriate action.

Thos Ryan
First Assistant Secretary.

61

Law Offices Of

McKennon and Willmott,

Wichita, K. S.

Dec. 20th, 1905.

To the Honorable Secretary of the Interior,

Washington, D.C.

Sir:-

In Creek Enrollment Case No. 441 The Commission to the Five Civilized Tribes decided that Easter Walker was not entitled to enrollment, but that Louis Isaacs, her son, was entitled to enrollment as a Creek Freedman.

This decision went up to your Department and was by you remanded to the Commission for further investigation; and as Louis Isaacs' application is joined with that of Easter Walker, his enrollment, although his right thereto is plain, is suspended, awaiting the decision upon the application of his mother, Easter Walker. This seems to be an injustice to him, and I therefore respectfully ask that the Commission be directed to sever the two applications and to pass upon and determine immediately the right of Louis Isaacs to Enrollment.

Respectfully,

A. S. McKennon

COPY.

Cr En 441

Muskogee, Indian Territory, January 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

December 28, 1905, the Department referred to this Office for consideration and appropriate action, a letter dated December 20, 1905, of A. S. McKennon, attorney for Easter Walker and Lewis Isaac in the matter of their application for enrollment as citizens of the Creek Nation. Mr. McKennon requests that the application of Lewis Isaac and Easter Walker be severed, in order that the case of Lewis Isaac may not be held up pending the further investigation necessary in the case of his mother, Easter Walker.

I have the honor to report that on October 11, 1904, the Commission to the Five Civilized Tribes rendered a decision in the matter of the application for the enrollment of Easter Walker and her son, Lewis Isaac, as citizens of the Creek Nation, enrolling Lewis Isaac as a Creek freedman and denying the application of Easter Walker. December 15, 1904, the Department returned the record in the case, stating in its letter of transmittal (I.T.D. 11120-1904) that the applicant, Easter Walker had had no opportunity to show that her name was not stricken from the roll by

proper authority, and that in view of the rulings of the Department in the case of Chaney Trent, and in order that the Department might be more explicitly advised as to the ground upon which said Commission based its decision, it was deemed advisable to remand the case for readjudication.

The evidence in the case of Lewis Isaac showed that he is identified on the 1890 authenticated tribal roll of the Creek Nation, and the Commission to the Five Civilized Tribes held that he should be enrolled as a Creek Freedman, in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861). While the entire case was remanded by the Department, no criticism was made of the decision enrolling Lewis Isaac; in view of the fact that his right to enrollment is clear upon the evidence heretofore submitted, it has not been deemed necessary to take further evidence in his case. The case of Hester Walker has been continued from time to time at the request of the applicant; evidence has been taken at three hearings, and the case is not yet ready for adjudication.

In view of the fact that the right to enrollment of said Lewis Isaac is clear as the record now stands, and that it does not depend, in any way, upon the right to enrollment of his

Secretary S.

mother, the said Easter Walker, I have the honor to recommend that Mr. McConnon's request that the case of Lewis Isaac be severed from that of Easter Walker be granted, and that the decision of the Commission to the Five Civilized Tribes of October 11, 1904, in so far as it relates to said Lewis Isaac, be affirmed.

The original record in the case and a copy of the letter of Mr. McConnon are herewith transmitted for Departmental consideration, and the Department is respectfully requested to return same for use in the case of Easter Walker.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JYM-A-6

No.441 J.F.

Secretary's Office

DEPARTMENT OF THE INTERIOR, LRB
I.T.D.1360-1904 WASHINGTON, D.C. February 1, 1906.
LRB

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

January 8, 1906, you reported relative to the request of the attorney for Easter Walker and Lewis Isaac that the application of Lewis Isaac for enrollment as a Creek citizen be severed from that of Easter Walker.

The Commission to the Five Civilized Tribes in its decision of October 11, 1904, held that Lewis Isaac was entitled to enrollment as a Creek freedman, and the Indian Office recommended that the decision be affirmed.

December 15, 1904, the case was remanded by the Department for readjudication.

You state that the case of Easter Walker has been continued from time to time, and that it is not yet ready for adjudication, and recommend that in view of the fact that the right to enrollment of Lewis Isaac is clear as the record now stands, and it does not depend in any way upon the right to enrollment of his mother, Easter Walker, the request that the case of Lewis Isaac be severed from that of Easter Walker be granted, and that the decision of the Commission to the Five Civilized Tribes, in so far as it relates to Isaac, be affirmed.

The Indian Office [illegible] your report January 23, 190[illegible] (Land [illegible]) [illegible] recommendation.

The Department [illegible] concurring, the decision of the Commission to the Five Civilized Tribes is hereby affirmed as to Lewis [illegible], and you [illegible] to enroll him as a Creek freedman.

The original record in the case is inclosed, together with a copy of said Indian Office letter.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the Commissioner
of Indian Affairs.

2 inclosures.

COPY.

Land
74094-1904
3552-1906.

January 23, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 8th instant, from the Commissioner to the Five Civilized Tribes, wherein he alludes to the fact that on December 28,1905, the Department referred to his office for consideration and appropriate action a letter dated December 20, 1905, from Mr. A S.McKenna attorney for Easter Walker and Lewis Isaac, in the matter of their applications for enrollment as citizens of the Creek Nation.

Mr. McKennon requests that the applications of Lewis Isaac and Easter Walker besevered in order that the case of Lewis Isaac will not be delayed pending the further investigation necessary in the case of his mother, Easter Walker.

The Commissioner reports that on October 11, 1904, the Commission to the Five Civilized Tribes rendered a decision on the application for the enrollment of Easter Walker and her son, Lewis Isaac, as citizensof the Creek Nation, enrolling Lewis Isaac as a Creek freedman, and denying the application of Easter Walker; that on December 15, 1904, the Department returned to the Commission the record in the case, saying in its letter of transmission (I.T.D.11120-1904) that the applicant, Easter Walker, had had no opportunity to show that her name was not stricken from the roll by proper authority, and that in view of the rulings of the Department in the case of Chaney Trent, and in order that the Department might be more explicitly advised as to the ground on which the Commission based its decision, it was deemed advisable to remand

the case for readjudication. He also says that the evidence in the case of Lewis Isaac shows that he is identified on the 1890 authenticated tribal roll of the Creek Nation, and that the Commission to the Five Civilized Tribes held that he was entitled to enrollment as a Creek freedman under the provisions of the acts of Congress of June 28, 1898 (30 Stat.,495) and March 1, 1901 (31 Stat.,1861); that while the entire case was remanded by the Department, no criticism was made of the decision declaring Lewis Isaac entitled to enrollment, and that in view of the fact that his right to enrollment is clear on the evidence heretofore submitted, it has not been deemed necessary to take further evidence in his case. The case of Easter Walker has been continued from time to time at the request of the applicant, evidence has been taken at three hearings, and the case is not yet ready for adjudication.

Mr. Bixby further says that in view of thef act that the right to enrollment of Lewis Isaac is clear as the record now stands, and that it does not depend in any way on the right in of his mother to enrollment, he recommends that Mr. McKennon's request that the case of Lewis Isaac be severed from that of Easter Walker be granted, and that the decision of the Commissioner to the Five Civilized Tribes of October 11, 1904, in so far asit relates to Lewis Isaac be affirmed.

The original record in the case and a copy of the letter of Mr. McKennon are transmitted for Departmental consideration,and the Commissioner requests that it be returned for use in the case of Easter Walker. Since there is under the evidence in the case no question of the right of Lewis Isaac to enrollment as a Creek freedman, and since it is not necessary that a decision in his case be deferred until the conclusion of Easter Walker's case, I concur in the recommendation that the two cases be separated and the decision of the Commission to the Five Civilized Tribes, in favor of Lewis Isaac, be approved.

KBH Y

Very respectfully, C.F.Larrabee
Acting Commissioner

Cr.Em.441.

Muskogee, Indian Territory, January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

October 11, 1904, the Commission to the Five Civilized Tribes rendered its decision in the matter of the application for the enrollment of Easter Walker and her son, Lewis Isaac, as citizens of the Creek Nation, enrolling Lewis Isaac as a Creek freedman and denying the application of Easter Walker. December 15, 1904, the Department returned the record in the case, stating in its letter of transmittal (I.T.D.11180-1904), that the applicant, Easter Walker, had had no opportunity to show that her name was not stricken from the roll by proper authority, and that in view of the rulings of the Department in the case of Chaney Trent, and in order that the Department might be more explicitly advised as to the grounds upon which the said Commission based its decision, it was deemed advisable to remand the case for readjudication.

Secretary S.

December 28, 1904, Easter Walker and her attorney were informed of the action of the Department, and were notified that they would be allowed thirty days from date within which to show that her name was not stricken from the 1896 roll by proper authority, and for the introduction of such other evidence as they might desire. On the same day the attorney for the Creek Nation was advised of the Department's action and of the notification sent to Easter Walker. In view of the evidence in the case, it was not considered necessary to take further testimony as to the right to enrollment of Lewis Isaac, the other applicant herein.

At the request of the applicant the case was continued from time to time until May 5, 1905, on which date Easter Walker, in person and by her attorney, appeared before the Commission to the Five Civilized Tribes and submitted evidence in the case. Further proceedings were had June 6, November 3, and November 4, 1905. No appearances were made on behalf of the Creek Nation.

January 8, 1906, a report was made to the Department in this matter recommending, in view of certain facts therein stated, that the case of Lewis Isaac be severed from that of Easter Walker and that the decision of the Commission of October 11, 1904, in so far as it related to said Lewis Isaac, be affirmed.

Secretary S.

The Department under date of February 1, 1906 (I.T.D. 1340-1905), concurred in said recommendation and affirmed the decision of the Commission to the Five Civilized Tribes as to Lewis Isaac.

The said Commission found in its decision of October 11, 1904, that the applicants might be possessed of both Indian and negro blood; that neither of the applicants were full blood Indians; that said Lewis Isaac was identified on the 1890 authenticated tribal roll of the Creek Nation, and that he was not identified on the 1895 roll, nor upon the 1895 doubtful roll; that the name of Easter Walker appeared on the 1891 omitted roll of the Creek Nation, and on no other roll of citizens of said nation in the possession of said Commission; and that her name on said 1891 omitted roll was cancelled before said roll came into the possession of said Commission; that said Easter Walker had never been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States court in Indian Territory.

No evidence was offered at the subsequent hearings conflicting with said Commission's findings of fact in its decision of October 11, 1904, which have been hereinbefore set out, and an examination of the roll of Creek freedmen made by J. W. Dunn

prior to March 14, 1867, shows that the name of Easter Walker does not appear thereon.

The only question, then, necessary to be considered in this report is the effect of the cancellation of the name of Easter Walker on the 1891 omitted roll.

It appears from the evidence that said 1891 omitted roll of the Creek Nation was made in the manner usually followed by that nation in preparing its rolls of citizens: Members of the Council, who were officers of the various towns, were directed to make census rolls of their respective towns and submit same to the National Council for its approval. These rolls were then submitted by the Council to a committee for investigation and report. The report of the committee was submitted to the Council, and when adopted by that body it became the official or authenticated roll of citizens of the nation. The town officers, the individual members of the Council, never at any time had power to admit to citizenship, and the placing by them of a name on the census roll conferred no rights whatever on the person whose name was so placed on the roll until the roll was approved by the National Council. It is, therefore, apparent that the action of the committee in erasing the name of Easter

[illegible] Walker from the census roll and the approval of that action by the Secretary, if it can be construed, was merely not the striking of the name from the roll, but making a refusal by the Secretary after due consideration, to put it on.

The name of Easter Walker appears on the 1896 enrolled roll with a pencil mark through it and opposite the name in red ink are written the words "Erased by Committee." This roll with the name of Easter Walker thus cancelled having come into the possession of the said Commission directly from its proper custodians is presumably accurate and in the form in which it was approved by the Council.

In the Cherokee enrollment case of James W. Shirley, et al., the Department ruled: "The burden of proof is clearly upon the party disputing the verity of the roll."

There is no proof or claim that the name of Easter Walker on said roll was cancelled through fraud or without authority of law, nor was any proof offered by the applicant against the presumed accuracy of the roll as it came from its proper custodians into the possession of the Commission to the Five Civilized Tribes.

In view of the facts and the evidence, and the ruling of the Department in the Cherokee enrollment case of James W. Shirley

[illegible],

[illegible] it is respectfully recommended that the decision of the Commission to the Five Civilized Tribes of October 27, 1906, denying the application for the enrollment of Daniel Walker as a citizen of the Creek Nation, be approved.

The record in the case is herewith enclosed for Departmental consideration.

Respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

Enc.IX-345.

COPY

[illegible]

[illegible]
WASHINGTON.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letters of December 18, 1906 (I.T.D. 11120), and February 4, 1906 (I.T.D. 1340), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 11, 1907, transmitting the record relative to the application of Easter Walker, for enrollment as a citizen by blood of the Creek Nation.

On February 29, 1904, application was made to Commission to the Five Civilized Tribes, for the enrollment of Easter Walker as a citizen by blood.

On January 11, 1907, the Commissioner recommended that the application of Easter Walker for enrollment as a citizen by blood be denied.

The Office concurs in the recommendation of the Commissioner adversed to the applicant.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H.R.D.-Pr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.R.
C.K.

Y.M. T.P.D.

5704, 5722, 5725, 5726-1907,
[illegible]
[illegible]
[illegible]
5882, 5884, 5960-1907.

March 8, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of your Letter of Transmittal.
~~Foster Baldon,~~	
Julia Cornelius, et al,	January 21, 1907.
Paul Bowers,	January 28, 1907.
Moses Vaughan (Freedman),	February 11, 1907.
Charley Clark,	February 11, 1907.
Johny Carwile (Freedman),	February 9, 1907.
Jack and Alice Bell (Freedmen),	February 9, 1907.
Yar-mah-lee, et al. (deceased),	February 9, 1907.
Mary Burl (Freedman),	February 9, 1907.
Annie McClelland and Mitchell Cox,	February 11, 1907.
Alvin Smith (deceased) (Freedman),	February 9, 1907.
Isaac and Ethel Grayson (Freedmen),	February 9, 1907.
William B. Self et al.	February 9, 1907.
Annie Morgan (Freedman),	February 11, 1907.
Bennie Griffin (Freedman),	February 9, 1907.
Mose James (Freedman),	February 11, 1907.
Dan Campbell (Freedman),	February 9, 1907.
Josie Wofford,	January 26, 1907.
Daniel Gray, deceased,	February 9, 1907.
	February 11, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.
for Ind. Of.

AFMo
3-8-07.

Cr.No.

Muskogee, Indian Territory, March 11, 1907.

McKennon & Willmott,

Attorneys at Law,

Wewoka, Indian Territory.

Gentlemen :--

You are hereby advised that under date of March 8, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Master Walker, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.Nm.441

Muskogee, I.T., March 11, 1907.

Hester Walker,

Arbeka, Indian Territory,

Dear Madam :--

You are hereby advised that under date of March 8, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for your enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

GR ED 952

GR ED 952

[redacted] TRIBE.

Muskogee, I.T.

In the matter of the application of DollieMason for the enrollment of her deceased minor child, Vina Ballard, as a Creek freedman.

Dollie Mason being duly sworn by W.T.Martin, Jr., testified as follows:

Q What is your name? A Dollie Mason.
Q What is your age? A I don't know sir.
Q About how old are you? A I call myself thirty.
Q What is your post office address? A Choska.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Under what name were you enrolled by the Commission?
A Dollie Ballard.

The records of the Commission examined and Dollie Mason is found to be enrolled on Creek Freedman Card, Field No. 386, roll #1287, as Dollie Ballard.

Q For whom do you make application for enrollment? A Vina Ballard.
Q Is Vina Ballard living? A She is dead.
Q Have you ever filed with the Commission an affidavit in the matter of the death of Vina Ballard? A I made an affidavit and sent it in to the Commission.
Q In that affidavit it is stated that Vina Ballard died September 10th, 1899, is that correct? A Yes sir.
Q How old was Vina Ballard when she died? A I forget, I think she was six months old.
Q Was she more or less than six months old? A She might have been more than six months and might have been less , I don't remember.
Q When was she born? A I think she was born in April.
Q Same year she died? A Yes sir, same year she died.
Q Was it in April she was born? A Yes sir; I don't know, I couldn't tell, I don't remember what month it was.
Q Was she born near the middle or the last of the month? (No response)
Q Were people getting their numbers at the Land Office when she was born? A Yes sir, I think so, I think they was.
Q How long had they been getting their numbers? A I don't know. You mean the numbers to file .
Q Yes. A I don't remember.
Q But they had been getting them, hadn't they? A I think so, esy - sir.
Q Had any of your brothers or sisters or relatives filed on their land? When she was born? A No sir, I don't think they was filed. They might have been filed.
Q But they were getting the numbers? A I don't know whether they were filed or not.
Q Did you make any record of the date of the birth of Vina Ballard?
A No sir, I never did put it down.
Q Did you have any person put it down for you? A No sir, I can't read nor write, so I didn't put it down or have it put down.

Any of your sisters have a child born about the same time your child Vina was born? A Emily Richard's child was born before mine I think.
Q How long before? A I think it must have been in the winter. I couldn't know exactly what it was like. It was in warm weather.
Q Your child was born in what month? A Though looks to me it was in the spring. It wasn't in the summer.
Q Any of your neighbors have any children born about the same time? A None as I remember.
Q What is the name of the father of Vina Ballard? A Lewis Ballard.
Q A non-citizen? A Yes sir, he was a non-citizen.
Q Did you have a physician in attendance when Vina was born? A No.
Q Had a mid-wife? A Yes sir.
Q What is her name? A Emily Richard .
Q Is she living? A Yes sir.
Q What is her post office? A I think it is Sawokla.
Q Did they buy any medicine for you or clothing about the time Vina was born? A No sir.

Indianna Porter, being duly sworn, testified as follows:

Q What is your name? A Indianna Porter.
Q What is your age? A 27.
Q What is your post office address? A Sawokla.
Q Are you a citizen of the Creek Nation? A No sir.
Q You are a citizen of the United States, are you not? A Yes sir, thats what they say.
Q Do you know Dellis Mason? A Yes sir.
Q Had a child named Vina Ballard? A Yes sir.
Q Is that child living now? A No sir.
Q Do you know when it died? A No sir.
Q Do you know when the child was born? A No sir, not exactly.
Q Do you know what month it was born? A Along in April, I think.
Q About what date? A I don't know, sir.
Q Was it towards the last of the month , the first of the middle of the month? A I don't know, sir.
Q Had the people planted any cotton then do you remember?
A No sir, they hadn't planted , they was ploughing.
Q But are you sure it was born in April, are you? A Yes sir.
Q And died the same year? A Yes sir.
Q You made an affidavit on the 10th of September, 1901, that Vina Ballard died on September 10th, 1899, did you know at the time you made that affidavit when Vina died?? A I don't recollectL

-----oOo-----

Creek Nation has no evidence to offer.

The death affidavit referred to, in the testimony is filed herewith, marked Exhibit "A", and made a part of this record.

Lona Merrick, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the proceedings had in this case, and that the foregoing is a full , true and complete transcripts of her stenographic notes thereof.

Lona Merrick

Subscribed and sworn to beefre ~~him~~ before me this 8th day of March, 1904.

~~John G. Sibley~~
Notary Public.

22.

IN RE
THE DEATH OF
Vina Ballard
a citizen of the
Creek Nation.

Approved 1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Sept 13. 1901

COPY.

92.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Vina Ballard (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Lehoska (Here insert name of post office.), Ind. Ter., and died on the 10th day of Sept, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, } (Indian Territory.)
Northern District. }

I, Dolly Mason, on oath state that I am 39 years of age and a citizen, by Freeman, of the Creek Nation; that my post office address is Lehoska (Here insert name of post office.), Ind. Ter.; that I am Mother (State relationship, as: the father; an uncle; a cousin, etc.) of Vina Ballard (Here insert name of deceased.), who was a citizen, by Freeman, of the Creek Nation; and that said Vina Ballard (Here insert name of deceased.) died on the 10th day of Sept, 1899.

her
Dolly × Mason
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Cleve E. Davis
Dennis E. Davis P.M.

Subscribed and sworn to before me this 10th day of Sept, 1901.

(Seal)

J O Cravens
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, } (Indian Territory.)
Northern District. }

I Indianna Porter, on oath state that I am 25 years of age, and a citizen, by Freeman, of the Creek Nation; that my post office address is Lehoska (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Vina Ballard (Here insert name of deceased.), who was a citizen, by Freeman, of the Creek Nation; and that said Vina Ballard (Here insert name of deceased.) died on the 10th day of Sept, 1899.

Indianna Porter

WITNESSES TO MARK:

(Must be Two Witnesses.) { Cleve E Davis
Dennis E. Davis P.M.

Subscribed and sworn to before me this 10th day of Sept, 1901.

(Seal)

J O Cravens
Notary Public.

8993

No. 442.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Vina Ballard, deceased, as a Creek freedman.

DECISION.

The record in this case shows that on March 8, 1904, Dolly Mason appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased child, Vina Ballard, as a Creek freedman.

The evidence shows that said Vina Ballard was born subsequent to April 1, 1899, and died prior to July 1, 1900.

It is, therefore, the opinion of the Commission that said Vina Ballard, deceased, is not entitled to enrollment as a Creek freedman as provided by the acts of Congress, June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), or any of said acts, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. B. Needles.
Commissioner.

Commissioner.

Dated at Muskogee, I.T.
May 18, 1904

Creek Dn. 44P.

Muskogee, Indian Territory, May 19, 1904.

Honorable P. Porter,

Principal Chief Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of ---------- for the enrollment of Vina Ballard, deceased, as a Creek Freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HCHR-19.

(COPY)

Creek En. 442

Muskogee, Indian Territory, May 19, 1904.

Dollie Mason,

Choska, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your deceased minor child, Vina Ballard, as a Creek Freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

HGH-9-19.

Muskogee, Indian Territory, May 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Dollie Mason for the enrollment of her deceased minor child, Vina Ballard, as a Creek freedman, including the decision of the Commission, dated May 18, 1904, denying said application.

Respectfully,

Commissioner in Charge.

Through the Commissioner
Of Indian Affairs.

NGM 11-19.

[redacted], 1904.

[redacted]
14469-1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 13, 1904, transmitting the record of the application of Dolly Mason for the enrollment of her deceased child, Vina Ballard, as a Creek freedman.

May 13, 1904, the Commission decided adversely to the claimant.

The record shows that Vina Ballard was born subsequent to April 1, 1899, and died prior to July 1, 1900.

In view of the record and of the act approved March 1, 1901 (31 Stats., 861) supplemental to the act of June 30, 1902 (32 Stat.at large 500), the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,
A. C. Tonner
Acting Commissioner.

M.M.M.
W.-

3 encl.

Copy/

MAP

DEPARTMENT OF THE INTERIOR,
Washington,

August 9, 1904.

ETD. 6112-1904.
LRS.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1904, you trnasmitted the record in the matter of the application of Dollie Mason for the enrollment of her deceased child, Vina Ballard, as a Creek Freedman.

You found that the evidence showed that said Vina Ballard was born subsequent to April 1, 1899, and died prior to July 1, 1900, and therefore held, on May 18, 1904, that under the acts of Congress, of June 28, 1898 (30 Stat., 495), March 1, 1901, (31 Stat., 861), and June 30, 1902 (32 Stat., 500, Vina Ballard, deceased, is not entitled to enrollment, and denied the application.

Reporting July 28, 1904, the acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

The testimony fails to show the exact date of the birth of Vina Ballard, but it appears therefrom that she was born "along in April," 1899, and died September 10, 1899. As it is not established by the record that Vina Ballard was born on or prior to April 1, 1899, your decision is hereby affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary

1 inclosure.

Muskogee, Indian Territory, September 2, 1904.

W. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

August 9, 1904, the Secretary of the Interior affirmed the decision of the Commission, dated May 18, 1904, in the matter of the application for the enrollment of Vina Ballard as a Creek Freedman, denying said application.

Respectfully,

Chairman.

No. 444.

Muskogee, Indian Territory, September 2, 1904.

Dellie Mason,

Choska, Indian Territory.

Dear Madam:

You are advised that the Secretary of the Interior, under date of August 9, 1904, affirmed the decision of the Commission Five Civilized Tribes, dated May 18, 1904, denying your application for the enrollment of your deceased child, Vina Ballard, as a Creek Freedman.

Respectfully,

Chairman.

Register

GR 50 .H3

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MARCH 11, 1904.

In the matter of Robert Sewell whose name appears upon the 1896 roll, Coweta Town, page 50, and the 1895 Doubtful Roll of said town.

George W. Grayson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A George W. Grayson.
Q How old are you? A I am 61 years of age.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A I am.
Q Of what Creek Indian Town? A Coweta.
Q Have you held any official positions in the Creek Nation? A Yes.
Q Name them? A I was representative of the Coweta Town in the Creek National Council for something like ten or twelve years; and then I have also held general offices, like treasurer, and was a representative of our people in Washington and elsewhere.

The records of the Commission examined and it appears therefrom that George W. Grayson is regularly enrolled on Creek Indian card Field No. 1612, approved roll No. 5189.

Q Do you know Robert Sewell? A I do; he is a first cousin of mine.
Q Where is he now? A I have letters from Sewell in which he states to me that he has been in the Montana penitentiary in Deer Lodge of that State; the last advice I have from him is that he is out of that institution and lodged with some Catholic sisters in an Indian Mission near by that place.
Q Is Robert Sewell a citizen of the Creek Nation? A He is.
Q How much Creek Indian blood has he? A In this Indian country here we call these people half breeds; his mother was half and his father seemed to be half.
Q It appears that in 1895 the name of Robert Sewell was placed on the doubtful roll; do you know why that was? A I don't know exactly; when we placed in these cases persons' names on the doubtful roll this doubt had reference as to whether or not they were Creek by blood but in Sewell's case there was never any doubt and if put upon the doubtful roll it must have been put there by someone and it must have been because we didn't know whether he was alive then or not, he having left the country sometime previous and we having heard nothing of him.
Q About how long had he been out of the country at that time?
A Well, Colonel, I can't tell you
Q About how long has he been out now? A I don't know how long he had been out except from one of his letters to me he states that "I have been away from here now about 17 years"; and the letter I could produce.

Q What was the name of his father? A Ben Sewell.
Q What is the name of his mother? A Parthenia.
Q How is she related to you? A She was my mother's youngest sister.
Q Is his mother living now? A She's dead.
Q Was she living at the time of the 1890 payment? A I think not.
Q Was his father living? A He is dead.
Q He was a citizen of the Creek Nation, was he? A Yes sir.
Q Did he die prior to the time of the 1890 payment? A Yes; he died quite early.
Q About how old is Robert Sewell? A He must be 45 years of age.
Q Do you know whether it is his intention to return to the Creek Nation? A Yes; I gathered this from his letters to me.
Q You say he is at liberty now? Do you know why he has not returned [redacted] to the Creek Nation? A I learned from his last letters that he was even while in confinement in poor health and that after he got out his health was still poor and being down in health and money he simply couldn't get away from that place and come down here.
Q Do you know whether formal application has ever been made to the Commission for the enrollment of Robert Sewell as a citizen of the Creek Nation? A Sometime about a year or more ago I met Mr. Bixby at Okmulgee and informally asked him if he couldn't enroll this relative of mine, giving him at the time the circumstances of his leaving the country and also of his confinement out there in Montana and Mr. Bixby said that if the young man had violated a law of the Indian Territory here and thereafter been sent away to the penitentiary he believed he would be a proper person whose claim might be considered by the Commission, but, inasmuch as he had violated the law of some other commonwealth and thereafter sent to the penitentiary, he didn't see that anything could be done for his relief; but it might be possible that by proper work a special law might be passed for his relief; after that I saw no where else to apply for his relief, this being the position held by the Commission, so I have been expecting all the while to place the matter of his application in the hands of the Creek Indian delegation that council had provided to go to Washington and represent Creek interests this winter, but before our Creek delegation went to Washington this winter to look after Creek interests, the president of the United States decided that he would not receive delegates from the Creek Nation this present session of Congress; then I knew no place else to go then but to go direct to the Secretary of the Interior and place the case as I have stated it to you before him and that was the last that I have ever done towards securing his enrollment as a Creek citizen.
Q Is there any doubt in your mind, Mr. Grayson, about the Robert Sewell whose name appears upon the doubtful roll being the Robert Sewell concerning whom you are testifying at the present time? A-----
Q Do you know of more than one Robert Sewell in your town? A No sir there are no others.
Q Then there is no doubt about the Robert Sewell who appears upon the 1895 roll of Coweta town being the Robert Sewell concerning whom you are testifying now? A No doubt in the world. I might say thathe has one or two half brothers living with their post office at Holdenville.
Q They are citizens of the Creek Nation? A Yes; there's one named Wash Sewell; if there is any other- which I am not sure of-- I don't remember his name.
Q Do you know whether they have ever been enrolled by the Commission? A Yes they have.
Q Are there any other statements you desire to make, Mr. Grayson? A He has written several letters to people who know him about Euf aula in which he tells his condition and so on but I have none of those letters with me.
Q Do you know why he left the country, the Creek Nation? A He was

[illegible] gone a while [illegible] when he went he was so long that [illegible] ever heard anything about him.
Q About how long was it [illegible] the first one come? A I think it is quite a year[illegible]
Q Has it been two years? A I am not sure about that; when he went away he couldn't write that I knew of but he writes fairly well.
Q Do you think it has been three years since you received your first letter? A I think not. I remarked a while ago that when I found that the Dawes Commission couldn't consistently entertain the application I made a statement of the case in a letter to the Secretary of the Interior for the relief of Sewell; I sometime afterward received a letter from the Assistant Secretary of the Interior stating that my letter had been forwarded to this office and now that it is before your office I would like to get the matter started in the right channel so that if possible we could get relief for Mr. Sewell.

Excused, and James J. McAlester, called and sworn, testified as follows:

By the Commission:

Q What is your name? A James J. McAlester.
Q How old are you? A Sixty-two.
Q What is your post office address? A McAlester.
Q Are you a citizen of the Creek Nation? A No sir; Chickasaw Nation
Q Do you know one Robert Sewell, a cousin of George W. Grayson?
A Yes sir.
Q Where did you know him, Mr. McAlester? A Sonewall in the Chickasaw Nation in the Fall of '66 and summer of '67; at that time I had charge of Major Harlan's cattle business and in the spring of '67 we drove cattle here to this place.
Q And was this Robert Sewell working with or for you? A Yes sir.
Q Did you know him to be a Creek Indian? A Yes sir.
Q Did you know his parents? A Knew his mother.
Q And you knew her to be a citizen of the Creek Nation, did you?
A Yes sir.
Q Do you know where Robert Sewell is at present? A Not of my own personal knwledge.
Q Do you know that he has been gone from the Creek Nation for quite a while? A Yes sir.
Q Do you know for what reason? A He became dissipated and associated with the lawless element and Mr. Gibson informed me that they advised such young men to leave town; I know that he lived at Eufaula went with some lawless people, and that he went away.
Q Do you know whether he ever returned to the Creek Nation? A No sir, not that I know.
Q Are there any other statements that you could make, Mr. McAlester, that would throw light on this case? A I don't know of any.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 12th day of March, 1904.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, February 26, 1904.

G. W. Grayson,

Eufaula, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Acting Secretary of the Interior, of your letter of February 2, 1904, relative to the right to enrollment of Robert Sewell as a citizen of the Creek Nation. It is stated that some 17 or 18 years ago said Robert Sewell, a Creek, left this country for parts unknown; that his long continued silence and absence from the country caused his name to be dropped from the Creek rolls; that over a year ago, however, you and others received letters from him stating that he was confined in the penitentiary at Deer Lodge, Montana, and desired that his interests in the common property in the Creek Nation be looked after.

In reply you are advised that the tribal rolls of the Creek Nation have been examined for the name of Robert Sewell and in view of such examination and the statements contained in your letter, you are requested to appear before the Commission at its office in Muskogee, Indian Territory, and submit evidence in the matter. It is

[illegible]

[illegible] suggested that your appearance should be made at an early date.

Respectfully,

Commissioner in Charge.

3810

No. 443.

Muskogee, Indian Territory, March 23, 1904.

C. W. Grayson,

Eufaula, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 15, inclosing two letters in connection with the application for the enrollment of Robert Sewell as a citizen of the Creek Nation.

Said letters have been duly filed with the papers in the case.

Respectfully,

Commissioner in Charge.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 21674-1904.

June 24, 1904.

I.T.D. 1065-1904.
LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On February 19, 1904, the Department referred to you by stamp, for report, a communication from G. W. Grayson, Eufaula, Indian Territory, asking that the Creek enrollment case of Robert Sewell, who is confirned in the penitentiary in Montana, be given early consideration.

It is requested that you make the report called for at an early date.

Respectfully,

Signed M. W. Miller,
Acting Secretary.

3013

En. 445.

Muskogee, Indian Territory, June 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of June 24, 1904, (I.T.D. 1065-1904) calling attention to a communication from G. W. Grayson, Eufaula, Indian Territory, asking that the Creek Enrollment Case of Robert Sewell be given early attention, referred to the Commission by stamp, February 19, 1904.

Reporting in the matter the Department is respectfully advised that on February 25, 1904, the Commission communicated with said G. W. Grayson and suggested that he make application for the enrollment of Robert Sewell as a citizen of the Creek Nation; that on March 11, 1904, said Grayson appeared before the Commission and submitted evidence in the matter and that the case is now pending before the Commission.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

2013

En. 443.

Muskogee, Indian Territory, June 30, 1904.

G. W. Grayson,

Eufaula, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 21, relative to an application for the enrollment of Robert Sewell as a citizen of the Creek Nation.

In reply you are advised that a decision in the case has not been rendered by the Commission.

When action is had in the matter you will be duly advised.

Respectfully,

Commissioner in Charge.

feb 16 [illegible]

L. W. Grayson

Eufaula I. T.

Any Dear Sir your Letter of Ex[illegible]
Date at hand & Contents Noted.
Will Say I Was Very Glad To
Hear from you also To Know
That your Wife annie Was Still
Living & Some of Her little
Babies Whom I Use to Love
So Well Wash Since I left
Home I Have Been in Good Many
Countries Europe South
america & australia & Have
but I Have Never been Married
yet So in Regard to my Interest
There you Can Do What Ever
you think best for me So
I Want you to look after
all my Native Rights

land Deeds or Money Inmatter
or anything is Intrest to
our Naturality I have 18
months yet Here but I Dont
Know if I can Come Home at
once or Not but as Soon is I
Can get Money to Pay my
Way Home I Will Come I
Have Some Money but Not
Enough I Think I Can get
Work In this Country I got
Sam is letter Wash I Will Write
to you Every Month When I
Get out my Health is Very
Good Hoping those few lines
Will find you all Enjoying
Good Health. So Close. Tell
all my Relations & friends
my best Wishes to one &
all is Still Remain yours
Sincere Cousin

J. H. Cames
Deer Lodge
Mont Box V.

Eufaula I.T.
Mar. 15, 1905

This he signs Robert Sewell, being now out of prison and at St Ignatius mission

---

oct 2/12 1903

I opened this letter.

Eufaula I.T.

G.W. Grayson
Dear Cousin
Well I am free man once more Hoping those few lines Will find you and all your family Enjoying Good Health I am Not Well at Present my long time In Prison Have Broken up my Health So I Did Not Have the money to Come Back Home and I Came Here and Want

---

2

Stop here i[…]
able to Wa[…]
it is very […]
Get Work […]
Here for a […]
and Poor Hea[…]
I Want you t[…]
me Good […]
I Can Show […]
the Sisters […]
Wash I Have […]
to Write to […]
a month also […]
give this lett[…]
[illegible]
telling Him
I am feeling

Eufaula I. T.
Mar. 15. 1905

This he signs Robert Sewell, being sane and of sound and at St Ignatius Mission

oct. 24/2 1903

I opened this letter. T.

Eufaula I. T.

G. W. Grayson

Dear Cousin

Well Sam from once more I hope these few lines will find you and all your family Enjoying Good Health Sam Not Well at Present my long time In Prison Have Been losing my Health So I Did Not Have the Money to Come Back Home and I Came Here and Want

2

to Stop Here if I Get able to Work and it is very Hard to Get Work around Here for a Stranger and Poor Health So I Want you to Write me Good letters So I Can Show it to the Sisters Here Well Wash I Have Promise to Write to you once a Month also Please Give this letter to Jim-Tobias Gibson Telling Him that I am feeling very

Bad Luck But Will
Write To You Soon
Near Future
& Shall Ever Remain
Yours Well Wishes
R. B. Sewell
St. Ignatius Mission
Flat Head
Reservation

address to
St Ignatius Mission
Flatheads'
Reservation
Robert Sewell

10
Work But Had To
quit on Count of
my Health & Do Not
Drink any More
Whiskey For last
13 years For I See
What Was my Great
Down Fall at Home
Well Wash ald Bay
Do you think I Can
Get My Right to
My Land In the
Nation if I Come
Back Home Please
let me Know at
once & Do Not Know
How Long I Will

INDEXED.

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
25812 1905	MAY 22 1905		

Grayson, G. W.
Eufaula, I.T.
Creek Nation,
May 20, 1905.

(- 16)

Relative to whereabouts of
Robert Sewell.

CREEK ENROLLMENT.

File
#443

Fayetteville N.C.
May 20th 1905.

Hon. T. Bixby
of Dawes Com.
Muscogee I.T.

Dear Sir:

Your favor of the 19th inst. inquiring of the address of Robt Sewell for whose enrollment as a Creek citizen I applied some months since, is received. When last I heard from Sewell he was broken in health and hoping to earn money by labor sufficient to pay his way back to this country. His chance of being enrolled seeming to be not very encouraging in appearance, I never continued correspondence with him on the subject and have lost sight of him. Now that you have officially inquired of him, I'll at once endeavor to find where he is if living, and let the office know of his whereabouts if I can find where he is.

Respectfully

W. W. Grayson

Dr.No. 443

Muskogee, Indian Territory, May 19, 1903.

G.W.Grayson,

Eufaula, Indian Territory.

Dear Sir:

In the matter of the application made by you for the enrollment of your cousin, Robert Sewell, as a citizen by blood of the Creek Nation, you are advised that the Commission desires further evidence tending to show whether or not said Robert Sewell has in good faith returned to the Creek Nation for the purpose of making it his home.

You are requested to inform the Commission as to the present postoffice address of said Robert Sewell.

Respectfully,

Chairman.

Muscogee, I.T. July 9th, 1895.

Re. 443

Hon. Tams Bixby,

of Dawes Commission,

Muscogee, I.T.

Dear Sir:

In answer to one of mine inquiring of the whereabouts of Robert Sewell, I have received a letter from L. Murray, Supt. of St. Ignatius Mission-- St. Ignatius, P.O. Montana, informing me that Sewell is said to have left that place and gone to the " government agency." A letter of mine to Sewell was forwarded from St. Ignatius to him to two other different offices, but finally was returned to me here, he not having been found at either. From this I am led to suspect that he is slowly making his way back to this country as best he can, his slow progress being attributable to the fact, as he stated in one of his letters to me, that he is broken in health and out of money. I very much hope that he will be heard from soon, and that he will not lose his rights in the Creek Nation as a Creek citizen.

Respectfully,

(signed) G.W.Grayson.

Eufaula, I.T. May 20th, 1903.

Hon. T. Riley, of Dawes Commission

Muskogee, I.T.

Dear Sir:

Your favor of the 19th inst. inquiring of the address of Robert Sewell for whose enrollment as a Creek citizen I applied some months since, is received. When last I heard from Sewell he was broken in health and hoping to earn money by labor sufficient to pay his way back to this country. The chances of his being enrolled seeming to be not very encouraging in appearance I never continued correspondence with him on the subject and have lost sight of him. Now that you have officially inquired of him, I'll at once endeavor to find where he is if living, and let the office know of his whereabouts if I shall find where he is.

Respectfully,

(signed) C.W.Grayson

RJR

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.1066
& 5670-1904

September 1, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In response to departmental letter of June 24, 1904, the Commission to the Five Civilized Tribes informed the Department by report of June 29, 1904, that the case of Robert Sewell, who applied for enrollment as a Creek citizen, was pending in the office of the Commission. You are requested to report on the present status of the case.

Respectfully,

Thos Ryan
Acting Secretary

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, September 9, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of departmental letter of September 1, 1905,(I.T.D.1065 and 8670-1904), asking for report on the present status of the matter of the application for the enrollment of Robert Sewell as a citizen of the Creek Nation.

Reporting in the matter the Department is respectfully advised that on February 25, 1904, the Commission to the Five Civilized Tribes communicated with G.W.Grayson and suggested that he make application for the enrollment of his cousin, said Robert Sewell; that on March 11, 1904, said Grayson appeared before said Commission and submitted evidence in the matter.

It appears from the evidence submitted on that date, that said Robert Sewell has been absent from the Creek Nation for about seventeen years.

May 19, 1905, G.W.Grayson was again communicated with and requested to inform the Commission to the Five

Civilized Tribes as to the present post office address of said Robert Sewell. On May 28, 1906, Grayson advised said Commission that he had last track of Robert Sewell but that he would at once try to look him up. July 9, 1906, Grayson advised this office that he had received a letter from T. Beste, superintendent of St. Ignatius Mission, St. Ignatius post office, Montana, informing him that Sewell had left that place and gone to the "government agency"; that a letter of his to Sewell was forwarded from St. Ignatius to him to two other post offices but was finally returned to the writer. Grayson states that from this he was led to believe that Sewell is slowly making his way back to this country as best he can"his slow progress being attributable to the fact, as he states in one of his letters to me that he is broken in health and out of money."

A copy of the correspondence had during the year 1905 with said G.W.Grayson is herewith enclosed.

Respectfully,

Acting Commissioner.

AC-9-9

COPY.

Refer in reply to the following
Land-78037-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. October 19, 1905

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of September 1, 1905 I.T.D.5670, directing the Commissioner to the Five Civilized Tribes to report on the present status of the application of Robert Sewell for enrollment as a citizen of the Creek Nation, there is enclosed a report from the Commissioner dated September 9, 1905, in which he says that on February 25, 1904, the Commission to the Five Civilized Tribes communicated with G.W. Grayson, and suggested that he make application for the enrollment of his cousin, Robert Sewell; that March 11, 1904, Grayson appeared before the Commission and submitted evidence in the case; that from the evidence submitted it appears that Robert Sewell has been absent from the Creek Nation about seventeen years; that May 19, 1905, Grayson was again communicated with and requested to inform the Commission to the Five Civilized Tribes as to the present postoffice address of Robert Sewell; that on May 20 Grayson advised the Commission that he had lost track of Sewell but that he would at once try to look him up. July 5, 1905, Grayson informed the Commission that he had received a letter from Y. Doste, superintendent of St. Ignatius

Mission, via Ignatius Stations, informing him that Sewell had left there and had gone to the "Government agency"; that a letter of his to Sewell was forwarded from St. Ignatius to him at two or three other postoffices, and was finally returned to the writer. Mr Grayson also advised the Commissioner to the Five Civilized Tribes that he believed Sewell was slowly making his way back to the Indian Territory as best he could, "his slow progress being attributable to the fact, as he states in one of his letters to me, that he is broken in health and out of money."

A copy of the correspondence between the Commissioner and Grayson during the year 1905 is enclosed.

From the statements contained in the report of Mr. Bixby it appears that he has used due diligence to ascertain the whereabouts of Robert Sewell, and it is recommended that his action be approved and that he be instructed to continue his efforts to locate said Sewell.

Very respectfully,

C F Larrabee

Acting Commissioner

GAW GH

443

DEPARTMENT OF THE INTERIOR,
WASHINGTON, October 25, 1905.

[illegible]-1905
128

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 9, 1905, you reported relative to the status of the application for the enrollment of Robert Sewell as a citizen of the Creek Nation, and transmitted a copy of the correspondence between your office and G W Grayson, of Eufaula, I.T. during the year 1905, in regard to the matter.

Reporting October 19, 1905 (Land 78037), the Indian Office states that it appears you have used due diligence to ascertain the whereabouts of Robert Sewell, and recommends that your action be approved and that you be instructed to continue your efforts to locate said Sewell. A copy of its letter is inclosed.

The Department concurs in said recommendation, and you are requested to take action accordingly.

Respectfully,

E A Hitchcock
Secretary

Through the

Commissioner of Indian Affairs
1 inclosure

#443

FLATHEAD RESERVATION INFORMATION AGENCY

Missoula, Montana December 12,1906

Hon. Tams Bixby,

Commissioner to the Five Civilized Tribes,
Muskogee, I.T.

My dear Sir:

Since writing you on the 5th inst., Robert Sewell called upon me from the Flathead Indian Reservation and I went over the situation with respect to his enrollment as a member of the Creek Nation. In looking at a copy of the letter that I wrote you on said date, I notice that I said that Sewell is a half-breed Cherokee; and in this regard he corrected me, stating that he is a half breed Creek, born among the people of the Five Civilized Tribes, and having very many relatives there; that he stands ready to furnish you any character of testimony you may think necessary relative to his geneaology and his residence since he left the Creek Nation.

May I ask you to give this your early attention and very much oblige,

Very truly yours,

William Q. Ranft

WQR UMW

Mn.443

Muskogee, Indian Territory, December 19, 1905.

William Q. Ranft,

Missoula, Montana.

Dear Sir:

Receipt is acknowledged of your communication of December 12, 1905, relative to the matter of the application for the enrollment of Robert Sewell, as a citizen by blood of the Creek Nation.

In reply you are advised that on March 11, 1904, G. W. Grayson appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of Robert Sewell as a citizen by blood of the Creek Nation. He stated that he had last heard of Sewell at a Catholic mission located somewhere in Montana.

It is presumed that the Robert Sewell for whom application was made by G. W. Grayson is identical with the one referred to in your inquiry.

You are requested to advise Robert Sewell that in accordance with a provision of the act of Congress March 1, 1901

(2 Cert.,Ctf), it will be necessary for him to appear before this office [illegible] and some satisfactory proof shall be [illegible] that he renounced the Greek Nation for the purpose of making it his home.

You are further requested to advise said Robert Russell that in case of unavoidable delay on his part in returning to the Greek Nation, he should see to it that this office is kept informed as to his post office address.

Respectfully,

Commissioner.

Muskogee, Indian Territory, January 4, 1906.

W. W. Grayson,

Eufaula, Indian Territory.

Dear Sir:

On December 12, 1905, this Office received a communication from William Q. Ranft, of Missoula, Montana, stating that Robert Sewell was then at that place. It appeared from said communication that Robert Sewell is desirous of securing his rights as a citizen of the Creek Nation, but that he was without funds with which to remove to the Creek Nation as required by the act of Congress approved March 1, 1901.

As you made application for the enrollment of said Sewell who, it appears, is your nephew, it is presumed that the above information will be of interest to you.

Respectfully,

Commissioner.

WILLIAM G. RANEY,
MISSOULA, MONTANA.

CODES { MORNING STAR.
REDFORD MITCHELL.

January 17, 1906.

Honorable Tams Bixby,
Commissioner to the Five Civilized Tribes,
Muskogee, I.T.
My dear Sir:-

This letter will be handed to you by Mr. Robert Sewell, about whom I have had some correspondence with you relative to the matter of his enrollment as a member of the Creek Nation. Mr. Sewell returns to the Creek Nation to make it his home, as I advised you the other day he would. I may say to you, however, that Mr. Sewell complains that his health never was good in the Indian Territory, and it may possibly work some hardship on him to remain there, but if he is required absolutely to do so, he will do it. He returns, however, as before suggested, in good faith to make it his home among the members of his tribe.

Trusting I may have the honor to meet you sometime, I remain, with very great respect,

Very truly yours,

WGR/AMT

En. 445.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 20, 1906.

In the matter of the application for the enrollment of Robert Sewell as a citizen by blood of the Creek Nation.

ROBERT SEWELL, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Robert Sewell.
Q How old are you? A About forty-six.
Q What is your post office address? A Eufaula.
Q How long has Eufaula been your post office address? A Ever since I was a kid! I was born there.
Q How long have you been in the Creek Nation this time? A I just came in this morning.
Q Then your post office address has not been Eufaula? A Well, it is going to be. I have come back here for my future home.
Q Where have you been? A Montana.
Q Before you came back this time how long had it been since you had been in Indian Territory? A I left here in 1882.
Q And have not been in Indian Territory since? A No, sir.
Q What was the name of your father? A Ben Sewell.
Q Is he living? A No, sir, that boy's father killed him. (making reference to Alex Posey)
Q What is the name of your mother? A Buffnes.
Q Is she living? A She is dead.
Q Was your father a citizen of the Creek Nation? A Yes, sir.
Q How much blood did he have? A I think he had about a fourth. I was a child and don't remember
Q Was your mother a citizen of the Creek nation? A Yes, sir.
Q How much blood did she have? A She was about one half. She was a sister of Wash Grayson.
Q Was your father enrolled? A I guess he was, I don't remember. I was a child when he was killed.
Q If that is true you are about three eightths Indian? A Yes, sir.
Q Do you claim about 3/8 Indian blood? A Yes, sir.
Q Did you ever draw any money from the Creek Nation? A Yes, sir, when my mother was living I think there was some drawn.
Q Did you draw it yourself? A No, sir.
Q You were not here during the 1890 and 1895 Payments? A No, sir.
Q What payment do you think your mother drew for you? A I don't remember. She told me that they drew some money.
Q To what Indian Town do you belong? A Tulsa.
Q To what town did your father belong? A I don't know.
Q What town did your mother belong to? A Tulsa. Wash Grayson and all of them belong to Tulsa, I understand.
Q Have you ever been in the penitentiary? A Yes, sir, that is the reason I couldn't come.
Q Where were you in the penitentiary at? A In Montana.
Q Was it at Deer Lodge? A Yes, sir.
Q Were you ever taken care of by the Catholic Sisters in Montana? A Yes, sir.
Q In the hospital was it? A Yes, sir.
Q Application has been made here for you by a man named George W. Grayson? A That is Wash. He wanted me to give him power of attorney.
Q He didn't claim for any children for you? A No, sir, I have no children or wife.
Q You only claim for yourself? A Yes, sir.

Q This is the first time you have ever appeared before the Commission? A Yes, sir.
Q Did you ever hear of your mother or father belonging to Coweta Town? A They might have belonged to Coweta town.
Q George W. Grayson said you were a cousin of his? A Yes, sir, I am a first cousin of his.
Q You don't know anything about the 1896 Doubtfull Roll do you? A No, sir.
Q [illegible] your father's name as Bob Sewell and your mother's name as [illegible]? A [illegible] that is right.
Q Did you ever know any one by the name of Wash Sewell? A He was my brother and [illegible].
Q Have you in good faithm removed to the Creek Nation? A Yes, sir
Q And intend to make this your home? A Yes, sir.
Q Did you leave any house-hold goods or other property in Montana? A No, sir.
Q You have, in good faithm, removed to the Creek Nation to make it your home? A Yes, sir.
Q Mr. Sewell, you will be allowed thirty days within which to establish you home in the Creek Nation and at the end of that time you should appear here to prove that you have in fact established your residence in the Creek Nation? A All right.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 22 day of January, 1906.

J M McDermett
Notary public.

En.1448

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 6, 1906.

In the matter of the enrollment of Robert Sewell as a citizen of the Creek Nation.

ROBERT SEWELL, being duly sworn, testified as follows:

Q What is your name? A Robert Sewell.
Q Are you the same man who appeared here a couple of months back and told us about your return to the Creek Nation? A Yes, sir.
Q Have you since that time settled in the Creek Nation? A Yes, I have married and settled down.
Q Who did you marry? A Mrs. Lizzie Gibson.
Q This is your home now is it? A Yes, sir.
Q You have in good faith removed to and made your home in the Creek Nation? A Yes, sir, and I was born right here.
Q You are not going away any more? A I expect to remain here and have my natural rights.
Q Where are you living? A Near Eufaula on my wife's allotment.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before
me this 7 day of March 1906.

J M McDermott
Notary Public.

No. 448.

Muskogee, Indian Territory, June 1, 1906.

Robert Sewell,

Eufaula, Indian Territory.

Dear Sir:

You are hereby notified that before decision can be rendered in the matter of the application for your enrollment as a citizen by blood of the Creek Nation it will be necessary that you appear in person at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, for the purpose of testifying as to whether or not you have established your residence in the Creek Nation.

Respectfully,

Acting Commissioner.

No. [illegible]

[illegible] of the Dawes
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, March 6, 1906.

In the matter of the enrollment of Robert Howell as a citizen of the [illegible] Nation.

Robert Howell, being duly sworn, testified as follows:

Q What is your name? A [illegible]
Q Are you the same [illegible] who made a sworn application for enrollment before the Commission to the Five Civilized Tribes? A Yes, sir.
Q Have you since that time [illegible] the Creek Nation? A Yes, sir.
Q Have you [illegible]
Q [illegible]
Q What is your home now? A [illegible]
Q Where is your home now is this? A Yes, sir.
Q You have in good faith removed to and made your home in the Creek Nation? A Yes, sir, and I was born right here.
Q You are not going away any more? A I expect to remain here and have my natural rights.
Q Where are you living? A Near Eufaula on my wife's allotment.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 7 day of March 1906.

J. M. McDermott
Notary Public.

[illegible]

Muskogee, Indian Territory, [illegible]

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Robert Sewell, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Robert Sewell, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

LM-86.

Cr. En. 443. I.S.M.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert Sewell, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on March 11, 1904 George W. Grayson appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of Robert Sewell as a citizen by blood of the Creek Nation. Further proceedings were had January 20 and March 6, 1906.

It appears from the evidence herein and from the records in the possession of this office that said Robert Sewell is identified on the 1890 authenticated tribal roll of the Creek Nation as a citizen of Coweta Town, and on the 1895 doubtful roll of said town, and that he has removed in good faith to the Creek Nation from the State of Montana where he formerly resided.

In the Creek citizenship case of Frank London, et al., the Department, under date of April 15, 1905 (I.T.D. 3194-1905) ruled that:

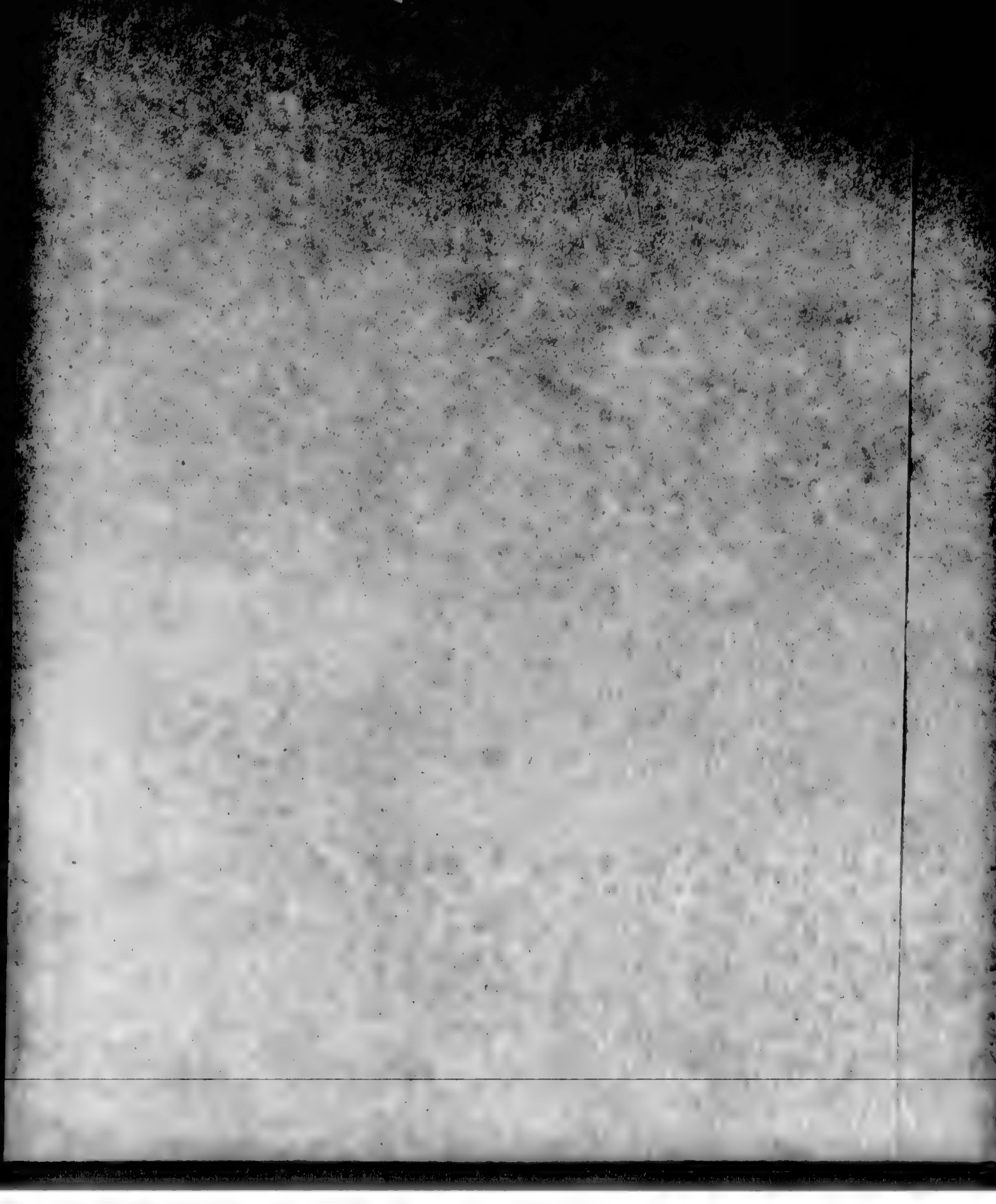
> "If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1895 roll by the Committee of Eighteen does not affect their rights. . . "

It is, therefore, ordered and adjudged that said Robert Sewell is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30. Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory.

September 21, 1906.



3913

D.C. 87 & 88.

Muskogee, Indian Territory, January 30, 1904.

Indianna Porter,

Choska, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the deaths of your children, Pleas and Oscar Porter, who, it is claimed, are entitled to enrollment as citizens of the Creek Nation. It is desired that further evidence be submitted in these cases.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the death of said children, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. March 8th,1904.

In the matter of the application of Oscar and Pleas Porter for enrollment as Creek freedmen, both deceased.

Indianna Porter, being duly sworn, testified as follows:

Q What is your name? A Indianna Porter.
Q What is your age? A 27.
Q What is your post office address? A Sawokla.
Q Are you a citizen of the Creek Nation? A No sir.
Q Are you a citizen of any Indian tribe in the Indian Territory ?
A I don't know, sir, grandmother says we are Indians, but we never did prove our rights.
Q For whom do you make application for enrollment? A Please and Oscar Porter.
Q Do you make application for their enrollment as Creek freedmen?
A Yes sir.
Q What is the name of their father? A Cuffy.
Q Are you the mother of Pleas and Oscar Porter? A Yes sir.

The records of the Commission examined, and it is found that Cuffy Porter is regularly enrolled on Creek freedman Card, Field No.455, approved roll number 1748.

Q Are Oscar and Pleas Porter living? A No sir.
Q Have you heretofore filed affidavits in the matter of the death of Oscar and Please Porter before the Commission? A Yes sir.
Q On September 10,1901, you executed an affidavit in which it is stated that your son Oscar and Porter died October 4th,1899,is that correct? A Yes sir.
Q To what do you refer for the date of the death of Oscar?
A I had them both written down but I lost the book, I went to the graveyard to find out. I had a record of it but I lost the book.
Q You went to the graveyard to get the date of the death of Pleas?
A Yes sir:
Q You remembered Oscar did you? A Yes sir.
Q October 4th,1899 is the correct date of Oscar's death? A Yes sir.
Q How old was Oscar when he died? A Three months old.
Q More or less than three months old? A I had him about three months. I think.
Q Do you remember what month he was born in? A In October?
Q You say that Oscar was three months old when he died, and you made an affidavit that he died in October,1899, you are a little mixed thats all. He could not have been born and died the same months and be three months old ? A Well, I guess sombody told me wrong.
Q What is your best recollection? A I don't know the month he died in, but I know he was born in October.
Q Oscar was born in October and lived three months?A Yes sir.
Q Now are you positive that Oscar Porter was born in October,1899, and lived only three months? A Yes sir.
Q Well, now there is filed with the Commission an affidavit executed by you on September 10,1901, in which it is stated that Pleas died on the 11th day of February,1900, is that correct? A Yes.
Q How old was Pleas when he died? A Not more than a week old.

Q Well, it is evident that one or the other of the affidavits are wrong. You say that [illegible] was born in October, 1903, and lived three months and that [illegible] died February 11th, 1904, a week old.
A Yes, sir thats the way I have it.
Q Both of these children have been born, that many together, from October to March? A No sir, they couldn't be that close together. There must be something wrong.
Q Thats what the affidavits say? A I didn't put it that way.
Q You are positive that your children were born in October, and lived only three months? A Yes sir, thats the way I have it.
Q And that your child Pleas died in February, and was only a week old when he died? A Yes sir.

The affidavits referred to are marked Exhibits "A" and "B" and made a part of this record.

Lona Merrick

Lona Merrick, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the proceedings had in this cause, and that the foregoing is a full, true and correct transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 8th day of March, 1904.

John L. Tiebes
Notary Public.

Creek No. 444

Muskogee, Indian Territory, December 9, 1904.

Indiana Porter,

Sawokla, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your two children, Oscar and Pleas Porter, as Creek Freedmen, you are advised that the Commission desires further evidence as to the dates of birth and death of said children.

You will be allowed thirty days from date within which to introduce further evidence in the case.

Respectfully,

Chairman.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1904.

William Francis,

Muskogee, Indian Territory.

Dear Sir:

There are on file with the Commission affidavits executed by Annie Francis relative to the birth of the minor children, Amos and Elizabeth Francis, who, it is claimed, are entitled to enrollment as citizens of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of birth of said children, for the purpose of being examined under oath.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., DEC. 21, 1904.

Dn. 444

SUPPLEMENTAL TESTIMONY In the matter of the application for the enrollment of Oscar and Pleas Porter as Creek Freedmen.

Cuffie Porter being duly sworn testified as follows:

BY COMMISSION:
Q What is your name? A Cuffie Porter.
Q How old are you? A About 30.
Q What is your post office address? A Haskell, I.T.
Q Are you the father of Oscar and Pleas Porter? A Yes sir.
Q Are Pleas and Oscar Porter living? A No sir, they are dead.
Q Which one is the older? A Oscar.
Q When was Oscar born? A If I am not mistaken, as near as I can remember, Oscar born in 1898.
Q What time of the year? A In the fall; October 4 I believe.
Q How old was Oscar when he died? A He died in December but just what day of the month I can't tell.
Q He died in December? A Yes sir.
Q How old was he when he died? A He was going on a little over three months old.
Q You say he was born in October, 1898, and he was going on three months old when he died? A Yes sir, I can't tell what time in December he died.
Q He diedthe same year he was born? A Yes sir.
Q And you are sure he was born in 1898? A Yes sir; I think that's when he was born; its so long I just forget his age.
Q Do you remember when the Creek Land Office opened in Muskogee? When the people first began filing on their land? A Yes sir.
Q Was Oscar living then? A No, I think not; no sir; he was dead.
Q When did you file on your land-- do you remember? A About 2 years ago.

The records of the Commission show that a citizenship certificate was issued to Cuffie Porter March 16, 1901.

Q How long had Oscar been dead when you got your land? A I can't tell you.
Q When was Pleas Porter born? A He was born in 1900.
Q What month? A February.
Q Do you know the date of the month? A No sir; along about the first; along about the 5th or 6th.
Q How long did he live? A He died on the 13th of the same month.
Q He lived then just a few days? A Yes sir; born along about the 1st and died on the 13th.
Q In February of 1900? A Yes sir.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 21st day of December, 1904.

Edwell Shirrell

Notary Public

In the matter of the application for the enrollment of Oscar and Pleas Porter, both deceased, as Creek Freedmen.

-:DECISION:-

The record in this case shows that on March 8, 1904, Indiana Porter made application for the enrollment of her deceased minor children, Oscar and Pleas Porter, as Creek Freedmen.

Further proceedings were had December 20, 1904.

The evidence shows that said Oscar Porter, deceased, died prior to April 1, 1899, and that Pleas Porter, deceased, was born in February, 1900, and died prior to July 1, 1900.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Oscar Porter, deceased, and Pleas Porter, deceased, as Creek Freedman, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 20 1905

[illegible]

Muskogee, Indian Territory, April 28, 1896.

W. L. Moté,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Oscar and Pleas Porter, deceased, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

EM-4-80-91.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Oscar and Tiana Porter, deceased, as Creek Freedmen, including the decision of the Commission, dated March 20, 1906.

Respectfully,

Chairman.

Through the Commissioner

of Indian Affairs.

EM-4-19-06.

Muskogee,

Muskogee, Indian Territory, April 20, 1900.

Mrs. Anna Porter,

Sawokla, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor children, Oscar and Pleas Porter, deceased, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.
IM-4-19-90.

[illegible]

DEPARTMENT OF THE INTERIOR, [illegible]

WASHINGTON, June [illegible], 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 20,1905, you transmitted the record in the matter of the application of ~~is~~ Indianna Porter for the enrollment of her deceased minor children, Oscar and Pleas Porter, as Creek freedmen, including your decision dated March 20,1905, denying said application, on the ground that "The evidence shows that said Oscar Porter, deceased, died prior to April 1,1899, and that Pleas Porter, deceased, was born in February, 1900, and died prior to July, 1,1900."

April 29,1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated March 20,1905, denying the application for the enrollment of Oscar Porter and Pleas Porter (deceased minors) as Creek Freedmen is hereby affirmed.

Respectfully,

(Signed) E.A.Hitchcock,

Secretary.

1 inclosure.

Refer in reply to the following:Land 31366-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON? April 29,1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 29,1905, transmitting the record of the application for enrollment as Creek freedmen of Oscar and Pleas Porter, both deceased.

March 20,1905, the Commission decided adversely to the application.

The record shows that Oscar Porter died prior to April 1,1899, and that Pleas Porter was born in February 1900 and died prior to July 1,1900.

In view of the record m the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.P.
W.

Cr.Ex. 444.

Muskogee, Indian Territory, June 28, 1906.

M.L.Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 1,1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Oscar and Pleas Porter, deceased, as Creek Freedmen.

Respectfully,

Chairman.

[illegible] No. 444.

Muskogee, Indian Territory, June 25, 1906.

Indianna Porter,

Haskell, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of your minor children, Oscar and Pleas Porter, deceased, as Creek Freedmen.

Respectfully,

Chairman.

[redacted] Indians,

Muskogee, Indian Territory, March 9, 1906.

In the matter of the application of Jenie Drew for enrollment as a citizen by adoption of the Creek Nation.

PRESENT: A. F. Murphy, Creek Attorney.

George Ree, being first duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A George Ree.
Q What is your age? A My age is 26.
Q What is your postoffice address? A Sawokla; when I filed Checka was my postoffice.
Q Are you a Creek freedman? A Yes sir.
Q What is the name of your father? A Marshall Ree.
Q What is the name of your mother? A Jamie Ree
Q Your father is a citizen of the Seminole Nation? A Yes sir.
Q Your mother was also known as Jenny Drew, was she? A Yes sir.

The records of the Commission examined and George Ree is identified on Creek Freedman Card, Field No. 378. Approved roll No. 1488.
Dunn Roll examined and the name of Jenny Drew found thereon at No. 1134.

Q When did your mother, Jamie Drew, die? A She died in March, but what year I disremember what year she died.
Q You are positive are you, that she died in March? A Yes, she died in March, but what year it was I don't know.
Q Did she die the same year you filed? A I don't know; I don't know because I don't know.
Q Did she die before or after you filed? Are you positive she died before you filed? A I wouldn't be sure about that; my father would know; I didn't pay much attention;; of course, after he told me to come and file I came and filed, but exactly what date I don't remember.
Q You told me awhile ago before you were put under oath that your mother died before you filed. A Well, I suppose that; I don't know; I wouldn't be sure of course, and I am going to tell the truth; I might say that.

Examination by Mr. Murphy:

Q How long has your mother been dead? A I don't know, sir.
Q What is your business? A My business?
Q Yes. A Farming.
Q How many crops have you raised since your mother died? A Well, now, I couldn't say; not but three--let's see how many; I raised three crops of my own.
Q Well, how many for anybody else? A Well, I have been just working around working this place and that place; I don't know exactly
Q Have you been voting in the Creek elections? A Yes, I am voting in elections.
Q Do you remember when Porter was first elected Chief? A Yes, I don't know what year.
Q Well, you voted in that election? A Yes, I voted in that election.
Q Did your mother die in March of that year? A I don't know; I disremember whether she was dead or not.

Q Don't know whether she was dead or living? A Yes, I discovered. I can't tell; I know I was all right.
Q Do you remember when the Commission came and ratified the first [illegible] Creek treaty?
Q Yes.
Q You [illegible] the country that they were going
Q [illegible] I [illegible] living at home; I couldn't tell; most of the time I was [illegible] about.
Q You heard when the land office opened in [illegible]? A Yes, but what year it was--
Q You heard about it? A Yes.
Q And knew it opened? A Yes.
Q Your mother died in March the year that land office opened, didn't she? A I couldn't say that because I don't know.
Q Was she living when the land office opened, or when you heard about it? A I wasn't home when I come here and filed.
Q How long was it before your mother died you found it out? A Why, I was at home, but to know she died in March,-because I went farming, I was farming with the old man--
Q Then you was home when she died? A Yes sir.
Q Then you ought to know whether or not she was living when the land office opened? A She was dead, because they come through the field surveying the land; I was breaking land and the surveyors come through the land putting the land up.
Q And she was dead when the surveyors came through? A Yes, at that time; the surveyors was putting down rocks and cutting it up into forties.
Q Then when they were surveying land here in the Creek Nation she was dead? A I know they was surveying it; she died that March; year and what month I don't know; I knew it was in March.

Examination by the Commission.
Q How long after that until you filed? A I don't know
Q It was after that was it. A Yes sir.

Examination by Mr. Murphy:
Q That you filed? A Yes.
Q Considerable time though, until you filed? A I don't know how long.
Q It was considerable time? A It might have been. I never took any notice of it; I was just wild like and changing.

Examination by the Commission:
Q Have you a record of the death of your mother? A We did have but whether we got it now I don't know.

---o0o---

Marshall Roe, being first duly sworn, testified as follows:
Examination by the Commission:
Q What is your name? A Marshall Roe.
Q What is your age? A I can't tell.
Q About how old? A I couldn't tell.
(Appears to be about sixty.)
they took me away fromthis country and went to Texas and---

Q Are you a citizen of the Creek Nation? A Yes, a Seminole.
Q You are a Seminole? A Yes sir.
Q You are the father of George Roe, are you? A Yes sir.
Q What is the name of your wife? A Jancy Roe.
Q Also known as Jancy Factor? A Yes, I guess they put it down that way. But it was Jancy Roe.
Q Is she living? A No, she is dead.
Q When did she die? A I can't tell you anything about the [illegible]
Q Did you have your family enrolled? A Yes sir.
Q Was it on a card like this they enrolled the names on? A It looks to me like it was.
Q Was your wife, the mother of your children, living or dead at that time--Jancy, was she living or dead at that time? A She was dead.
Q How long had she been dead? A Well, I can't tell; I am unable to tell you how long.
Q About how long had she been dead? A When the children was enrolled
Q Yes. A To my weak understanding it was just about the time you remember they called a camp at Wellington to enroll and she died the year before.
Q Was that when you had these children enrolled? A Just a year before that as near as I can come at it.

It appears from the card that George Roe and his brothers and sisters were enrolled by the Commission in August, 1898.

By Mr. Murphy: The Creek Nation has no evidence to offer.

Frances R. Lane, upon oath states, that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is a full, true and accurate transcript of her stenographic notes thereof.

Frances R Lane

Subscribed and sworn to before me this March 9,1904

John G. Lieber.

Notary Public.

Department of the Interior.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Janie Roe, deceased, as a Creek freedman.

DECISION.

The record in this case shows that on March 8, 1904, George Roe appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of his deceased mother, Janie Roe, as a Creek freedman.

The evidence shows that said Janie Roe died prior to April 1, 1899.

It is the opinion of the Commission that Janie Roe is not entitled to enrollment as a Creek freedman as provided by the acts of Congress, June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), or any of said acts, and that the application for her enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breathitt

Commissioner.

Commissioner.

Dated at Muskogee, I.T.
May 18, 1904

Creek No. 446

Muskogee, Indian Territory, May 19, 1904.

George Roe,

Sawokla, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your mother, Janie Roe, deceased, as a Creek Freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

HGH-3 -19.

Creek No. 448.

Muskogee, Indian Territory, May 19, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of George Roe for the enrollment of his deceased mother, Janie Roe, as a Creek Freedman, including the decision of the Commission, dated May 18, 1904, denying said application.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

HGH-4-19.

Creek En. 448

Muskogee, Indian Territory, May 19, 1904.

Honorable P. Porter,
Principal Chief Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of George Roe for the enrollment of his mother, Janie Roe, as a Creek Freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HGH-2-19.

DEPARTMENT OF THE INTERIOR,

Land

OFFICE OF INDIAN AFFAIRS,

54487-1904.

Washington, September 30,1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 19, 1904, transmitting the record of the application for enrollment as Creek freedman of Janie Roe, deceased.

May 18, 1904, the Commission decided adversely to the application.

The record shows that on March 8, 1904, George Rowe made application for his deceased mother, Janie Rowe. The evidence shows that the said Janie Rowe died April 1, 1899- nearly five years prior to the application.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.M.

W.

I.T.D.9102-1904 DEPARTMENT OF THE INTERIOR WEE M.C.J.
L.R.S. WASHINGTON October 18,,1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 19, 1904, you transmitted the record in the matter of the application for the enrollment of Jamie Roe, deceased, as a Creek freedman, including your decision of May 18, 1904, denying said application.

Reporting in the matter September 30, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos.Ryan,
Acting Secretary.

1 inclosure.

No. 448

Muskogee, Indian Territory, October 26, 1904.

George Roe,

Sawokla, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 18, 1904, denying your application for the enrollment of your deceased mother, Janie Roe, as a Creek Freedman.

Respectfully,

Chairman.

Register.

En. 445

Muskogee, Indian Territory, October 26, 1904.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 18, 1904, denying the application of George Roe for the enrollment of his deceased mother, Jamie Roe, as a Creek Freedman.

Respectfully,

Chairman.

CR EN 446

CR EN 446

Dn. 446.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 17, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Harney King, deceased, as a citizen by blood of the Creek Nation.

WILLIAM PENN, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A William Penn.
Q How old are you? A A little over forty.
Q What is your post office address? A Wetumka.

March 2, 1904, the Department re-opened the matter of the enrollment of Harney King, deceased, as a citizen by blood of the Creek Nation, Approved Roll No. 6482, and authorized the Commission to set the case for rehearing.

March 17, 1904, the Commission advised the parties in interest of the action of the Department and that evidence in the case would be heard at Muskogee, Indian Territory, April 11, 1904. No appearances were made on that day.

Q Do you know Amos King? A Yes, sir.
Q Did you know a child of his named Harney? A He had several children that died but I don't know the names of them.
Q September 9, 1901, you executed an affidavit, as appears from the records of the Commission, in which it is stated that Harney King died on the first day of November, 1898, and then on December 10, 1901, you executed another affidavit in which it is stated that Harney King died on the First day of September, 1900. I would like to have you explain this descrepancy? A I remember of making an affidavit as to the death of an orphan child Amos King had, named Mollie, but I don't remember anything about this.
Q What I want is an explanation of those affidavit. That were made and don't agree? A I remember the interpreter didn't know how to interpret.
Q Do you know when Harney King died? A No, sir. I only remember of making an affidavit for Mollie.
Q You tell Amos King that we want him to come up here sometime this week? A I will send him up here.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Nov. 1904.

Charles W Sawyer
Notary Public.

Ex. 446.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 28, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Harney King as a citizen by blood of the Creek Nation.

The name of Harney King is contained in the partial list of citizens by blood of the Creek Nation approved March 28, 1902, No. 6482. The matter of the enrollment of said Harney King was re-opened by the Department, March 2, 1904, (I.T.D. 1638-1904).

AMOS KING, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Amos King.
Q How old are you? A About thirty-eight.
Q What is your post office? A Wetumka.
Q Are you the father of Harney King? A Yes, sir.
Q He is dead is he? A Yes, sir.
Q When did he die? A In 1898.
Q What month? A In September but I do not remember the day.
Q The Commission has in its possession two affidavits executed by you relative to the death of Harney King. In one of said affidavits it is stated that he died November 1, 1898 and in the other that he died September 1, 1900? A I suppose I made the affidavits but I do not remember much about it now.
Q How long has Harney King been dead? A Over three years.
Q Do you remember the circumstance of the Creek Land Office being opened? A Yes, sir.
Q Was Harney King living then or was she dead? A She died after the land office opened.
Q Did he die before you filed on you own land or after? A Before I filed on my land.
Q How long had he been dead when you filed on your land? A I do not remember now but it was not long.
Q How old was he when he died? A He was a little over a year old.
Q Who was present at his burial? A He was a child and I and my wife buried it.
Q Was any one present when it died? A My wife's sister was present when the child died but she was sick at that time and did not attend the burial.
Q Is your wife's sister living? A Yes, sir.
Q What is her name? A Nancy Canard.
Q What is her post office address? A Wetumka.
Q Who is your nearest neighbor? A William Penn.
Q Who else lives near you? A Winey Scott. She is here attending the payment.
Q Can you get her up here to testify in this case? A Yes, sir, If I can find her.
Q Have you a child younger than Harney? A Yes, sir.
Q Is that child living? A Yes, sir.
Q Was that child born when Harney died? A I have two children younger than Harney.
Q Was the one next to Harney born when Harney died? A No, sir.

Ex. 4nd.----2.

Q What is the name of the child next to Harvey? A Henry.
Q How long had Harvey been dead when Henry was born? A Not quite
year.
Q Have you filed on land for Harvey? A Yes, sir.

---oooOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 1st day of May 1914.

Chester N. Savage
Notary Public.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

In the matter of the [redacted] the residence of [redacted] King as a citizen of the Creek Nation.

The records of the Commission show that Sammy King, son of Amos King, was born April 13, 1908.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Wetumka, I. T., January 8, 1905.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Harney King, deceased, as a citizen by blood of the Creek Nation.

WINEY SCOTT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Winey Scott.
Q How old are you? A Fifty-five.
Q What is your post office address? A Wetumka.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Kialigee.
Q Did you know a child of Amos King named Harney? A Yes, sir, I was present when the child died.
Q What was the name of the child's mother? A Semundy--her Christian name is Lucy.
Q When did Harney King die? A I cannot give the exact date of the child's death but it has now been dead about four years. I remember the circumstance of its death quite distinctly. I was called to assist in waiting upon the child during its last illness and was also present when it died and attended the funeral.
Q What time of the year did the child die? A I think it was in the latter part of the Summer.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did the child die before or after the opening of the Creek Land Office? A It died after the opening of the land office. People had been going to Muskogee and filing upon their allotments quite a while before the child died.
Q Do you know whether or not a record was made of the birth and death of this child? A I do not know as to that.
Q How old was the child at the time of its death? A The child could crawl well at the time of its death.
Q Are you positive that this child died after the land office opened? A Yes, sir.
Q Where does Lucy, the mother of this child, live? A Just beyond here a little way--near the church-house.
Q Would she know when the child died? A Yes, sir.

HARBER SCOTT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Harber Scott.
Q How old are you? A Twenty-six.
Q What is your post office address? A Wetumka.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Kialigee.
Q Do you know Amos and Lucy King? A Yes, sir.
Q Did you know a child of theirs named Harney? A Yes, sir.
Q How long has Harney been dead? A The child died in the summer of 1899.
Q Do you know in what month? A July.
Q How old was the child when it died? A I think the child was f fully a year old--it could crawl and stand.
Q Were you present either at its death or burial? A I was present at the burial.

[illegible]—2.

Q Do you remember the [illegible] of the opening of the Creek Land Office? A Yes, sir.
Q Did this child die before or after the opening of the Creek Land Office? A The child died after the opening of the land office.
Q About how long after the opening of the land office? A I cannot state positively how long [illegible] time after.
Q Do you know any one [illegible] land when the child died? A I think [illegible] allotment at the time of the child's death and I am positive that there were others in the neighborhood who had made selection of land before the child died.

-----0-----

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this [illegible] day of January, 1906.

Edw C Griesel
Notary Public.

IN RE
THE DEATH OF
Harney King
a citizen of the
Creek Nation.

Approved 190

..... Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Harney King (Give correct name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Wetumka (Give postoffice.) Ind. Ter., and died on the 1st day of September, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Amos King, on oath state that I am 32 years of age and a citizen, by blood, of the Creek Nation; that my postoffice address is Wetumka (Give correct postoffice.), Ind. Ter.; that I am the father (State relationship as: husband, father, mother, guardian, etc.) of Harney King (Give correct name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Harney King (Give correct name of deceased.) died on the 1st day of September, 1900.

Amos King

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 10th day of December 1900.

William T. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, William Penn, on oath state that I am 34 years of age, and a citizen by blood, of the Creek Nation; that my postoffice address is Wetumka (Give correct postoffice.), Ind. Tor.; that I was personally acquainted with Harney King (Give correct name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Harney King (Give correct name of deceased.) died on the 1st day of September, 1900.

William his X Penn
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) W. H. Angell
Lonia Cummings

Subscribed and sworn to before me this 10th day of December 1900.

William T. Martin
Notary Public.

Cr 446.

IN RE
THE DEATH OF
Harney King
a citizen of the
Creek Nation.

Approved 190

..... Commissioner.

Cr 446.

(Roll)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Harney King (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Wetumka (Here insert name of postoffice) Ind. Ter., and died on the 1 day of November, 1898

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Amos King, on oath state that I am 30 years of age and a citizen, by blood, of the Creek Nation; that my postoffice address is Wetumka (Here insert name of postoffice.) Ind. Ter.; that I am Father (State relationship as: the father; an uncle; a cousin, etc.) of Harney King (Here insert name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Harney King (Here insert name of deceased.) died on the 1st day of November, 1898

Amos King

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 9 day of September 1901

William T. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE. + Town King

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, William Penn, on oath state that I am 31 years of age, and a citizen by blood, of the Creek Nation; that my postoffice address is Wetumka (Here insert name of postoffice.) Ind. Ter.; that I was personally acquainted with Harney King (Here insert name of deceased.) who was a citizen, by blood, of the Creek Nation; and that said Harney King (Here insert name of deceased.) died on the 1st day of November, 1898

William his x mark Penn

WITNESSES TO MARK:

(Must be Two Witnesses.) Charles Coachman
J. D. Berry

Subscribed and sworn to before me this 9 day of September 1901

William T. Martin
Notary Public.

3919

Cr. I. 2114.

Muskogee, Indian Territory, February 9, 1904.

The Honorable

The Secretary of the Interior.

Sir:

The name of Harney King is contained in the partial list of Creek citizens by blood approved March 28, 1902, number 6482. At the time his name was reported for approval an affidavit had been filed with the Commission from which it appears that said Harney King died September 1, 1900.

From an affidavit now on file with the Commission it appears that said Harney King died prior to April 1, 1899.

It is recommended that the matter of the enrollment of Harney King be reopened and that the Commission be authorized to set the case for rehearing upon notice to the parties in interest.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, February 9, 1904.

E. B. Miller,

Chief Clerk,

Creek Land Office.

Sir:

You are directed to take no further action in the matter of an allotment to the heirs of Harney King, deceased, until further instructed.

Respectfully,

Commissioner in Charge.

Approved Creek Roll No. 6482.

(Copy)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, feb. 24, 1904.

LAND
10659)1904.

The Honorable,
The Secretary of the Interior.
Sir:

I have the honor to inclose herewith report from the Commission to the Five Civilized Tribes, dated February 9, 1904, in which it is stated that when Harney King was reported for enrollment as a citizen of the Creek Nation it appeared that he died September 1, 1900, but that from an affidavit now on file with the Commission it seems that he died prior to April 1, 1899. His name appears on the approved Creek roll opposite No. 6482, and the Commission requests authority to reopen the case and set it for rehearing upon notice to the parties in interst.

From the Commission's statement it appears that the enrollment of Harney King should be reopened and it is ~~xx~~ recommended that authority therefor be granted.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

GAW:LKS.
2 Inclosures.

(Copy)

JP

COMMISSION TO THE FIVE CIVILIZED TRIBES, THE
I.T.D. 1638-1904. WASHINGTON. March 2, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 8, 1904, you reported that the name of Harney King is contained in the partial list of Creek citizens by blood approved March 28, 1902, number 6482; that at the time the name was reported for approval an affidavit had been filed with your Commission from which it appeared that King died September 1, 1900. You state that an affidavit is now on file with you from which it appears that Harney King died prior to April 1, 1899. You recommend that the enrollment of Harney King be reopened and that you be authorized to set the case for rehearing, upon notice to the parties in interest.

The Acting Commissioner of Indian Affairs, transmitting your communication of February 24, 1904, concurs in your recommendation. A copy of his letter is inclosed.

The authority requested is hereby granted.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

I. 2114.

Muskogee, Indian Territory, March 17, 1904.

Ames King,

Wetumka, Indian Territory.

Dear Sir:

March 2, 1904, the Department reopened the matter of the enrollment of your deceased child, Harney King, and authorized the Commission to have a rehearing of the case.

Accordingly, you are advised that on April 11, 1904, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence as may be offered by or on behalf of the heirs of said Harney King, deceased, relative to his right to enrollment. The Creek Nation will, at the same time and place, be permitted to submit evidence in the case.

You are further advised that the Commission desires evidence as to the date of the death of said Harney King.

Respectfully,

Commissioner in Charge.

Register.

No. 688.

Muskogee, Indian Territory, October 3, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

March 2, 1904, the Department re-opened the matter of the enrollment of Harney King, deceased, Approved Roll No. 6482, and the case was set for April 11, 1904, of which the parties in interest were duly notified. No appearances were made on that day nor has any evidence been offered at any time.

You are advised that Amos King of Wetumka, Indian Territory, is the father of said Harney King, as shown by the Commission's records.

You are requested to advise the Commission whether you purpose taking any action in the matter, as it is desired that the case be closed as soon as may be without doing injustice to the parties in interest.

Respectfully,

Chairman.

Cr. En. 446

Muskogee, Indian Territory, March 1, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

March 2, 1904 (I.T.D. 1638-1904), the Department reopened the matter of the enrollment of Harney King whose name is contained in the partial list of citizens by blood of the Creek Nation approved March 28, 1902, No. 6482.

March 17, 1904, the parties in interest were notified of the action of the Department and the case set for re-hearing on April 11, 1904. No evidence was offered on that day nor was appearance made by any person.

October 3, 1904, the attention of the Attorney for the Creek Nation was again called to the matter.

Testimony was heard October 17, and October 28, 1904. Further proceedings were had November 14, 1904. No further evidence has been offered.

It appears from the evidence that Harney King died subsequent to April 1, 1899, and the Commission has the honor to recommend that his enrollment be allowed to stand.

Respectfully,

Chairman.

Through the Commissioner of Indian Affairs.

Commissioner.

Commissioner.

Refer in reply to the following:
[illegible]

DEPARTMENT OF THE INTERIOR.
[illegible]
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 15,1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of March 2, 1904, (I.T.D. 1638-1904) there is enclosed a report from the Commission to the Five Civilized Tribes, dated March 1,1905, in the matter of the enrollment as a citizen by blood of the Creek Nation of Harney King (deceased).

March 1,1905, the Commission recommended that the enrollment of March 28,1902, be allowed to stand.

There does not appear to be any evidence to controvert the original record.

I recommend that the action of the Commission of March 1,1905, be approved.

Very Respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.M.W.

[illegible]

[illegible]

[illegible]

[illegible], May 10,1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 24,1902, you transmitted a partial final roll of citizens by blood of the Creek Nation, numbered 6337-6548,inclusive, which partial roll was approved by the Department on March [illegible], 1902 (I.T.D.1814).

February 9 ,1904, you reported that an affidavit was on file with the Commission from which it appeared that Harney King, deceased, whose name appears opposite No. 6482 on said approved partial roll, had died prior to April 1,1899, and in accordance with your recommendation the Department on March 2,1904, (I.T.D.1638), directed a rehearing as to the enrollment of said Harvey King,deceased, upon notice to the parties in interest.

March 1,1905, you reported that testimony was taken on said rehearing October 17 and 28,1904, and further proceedings were had thereon on November14,1904, and that it appearing from the evidence adduced on said hearing that Harney King died subsequent to April 1,1899, you recommend that his enrollment be allowed to stand.

March 13,1905, the Acting Commissioner of Indian Affairs recommended similar action. A copy of his letter is inclosed.

The Department concurs in the recommendations made, and the enrollment of Ramey King, deceased, opposite No. 5453 upon the partial roll of citizens by blood of the Creek Nation approved March 28,1902, is hereby directed to stand as approved.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MARCH 15, 1904.

In the matter of the application for the enrollment of Myrtle Proctor, deceased, as a citizen by blood of the Creek Nation.

(The office of the Creek Attorney was notified and the Commission was advised that Mr. Murphy was out of the city.)

Toney E. Proctor being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Toney E. Proctor.
Q What is your age? A Thirtyseven.
Q What is your post office address? A Okmulgee.
Q Do you make application for the enrollment of your minor child, Myrtle Proctor? A Yes sir.
Q She was a citizen by blood, was she? A Yes sir.
Q What degree of Creek blood did she have? A About 1/4 I guess.
Q What degree of blood have you? A Well; there aint much white in me; she's a half, my wife; Myrtle Proctor is 3/4.
Q Are you the father of Myrtle Proctor? A Yes sir.
Q What is the name of her mother? A Susie Proctor.
Q Is Myrtle Proctor living or dead? A Dead.
Q When was she born? A December 9, 1898.
Q How old was she when she died? A A year and six months old. Born in 1898 and died in 1899.
Q What month and day of the month did she die? A 10th of June.

The records of the Commission examined and it appears that Toney E Proctor and his wife, Susan, are listed for enrollment on Creek Indian Card Field No. 796, and that their names are contained in the list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, numbers 2575 and 2576, respectively.

Applicant excused and Susan Proctor being called and sworn testified as follows:

By the Commission:

Q What is your name? A Susan Proctor.
Q How old are you? A About 29 I guess.
Q What is your post office address? A Okmulgee.
Q Are you the mother of Myrtle Proctor? A Yes sir.
Q When was she born? A December 9th.
Q What year? A 1898 I guess; I don't know; I forget
Q How old was she when she died? A Six months old and a day when she died.
Q When did she die? A June 10, 1899.

There are on file with the Commission affidavits relative to the birth and death of Myrtle Proctor, and a statement att ached to the death affidavit signed by A.L.Aylesworth states that he was in Okmulgee in the month of June 1899 and at the request of Toney Proctor he visited his home and made a photograph of his child which had died, as stated to him, the night previous. Said affidavits are made part of the record herein.

##########

Henry G. Hains being sown on his oath states that as stenographer to the Commission to the Five Civilized Tribeshe reported the above case March 15, 19L4, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17th day of March, 1904.

Charles H. Sawyer

Notary Public.

IN RE
THE DEATH OF

Myrtle Proctor

a citizen of the

Creek *Nation.*

Approved ..... *190....*

.....
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Sept. 3, 1901
ACTING CHAIRMAN

93

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Myrtle Proctor
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Okmulgee
(Here insert name of postoffice.)
, Ind. Ter., and died on the 10 day of June,
~~1898~~ 1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Tony E. Proctor, on oath state that I am 34 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Wagoner, Ind. Ter.; that I am father of Myrtle Proctor,
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation; and that said Myrtle Proctor died on the 10 day of June 1899

WITNESSES TO MARK:

Tony E. Proctor

(Must be Two Witnesses.)

Subscribed and sworn to before me this 3rd *day of* September 190 1.

Philip B. Hopkins
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern
District.

I , on oath state that I am

I was in Okmulgee in the month of June, 1899, and at the request of Tony Proctor, known to me to be the person who signed the above certificate, I visited his home and made a photograph of his child which had died, as stated to me by him, the night previous. From my observation and information gained by me at that time, I have no doubt that the child was the daughter of Tony E. Proctor.

L. Aylesworth

Subscribed and sworn to before me this *day of* 190

Notary Public.

131

20

IN RE

Application for Enrollment of

INFANT CHILD

Myrtle Proctor

as a citizen of

Creek Nation.

Approved, ... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Sept. 3 1901.
ACTING CHAIRMAN.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Myrtle Procter (Here insert name of child.), born on the 9 day of December 1897, 1.

Name of Father: Toney E. Procter, a citizen of the Creek Nation.

Name of Mother: Susie Procter, a citizen of the Creek Nation.

Post-office, Wagoner, Ind. Terr.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District. District.

I, Susie Procter, on oath state that I am 27 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful wife of Toney E. Procter, who is a citizen, by blood, of the Creek Nation, that a female (male or female.) child was born to me on the 9 day of December 1897; that said child has been named Myrtle and is dead, and ~~has not~~ XX living.

× Susie Procter

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 25 *day of* June 1901 *190*.

P. F. Simpson

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District. District.

I, Amandy Danger, a midwife, on oath state that I attended on Mrs. Susie Procter, wife of Toney E. Procter, on the 9 day of Decmeber 1897, 1; that there was born to her on said date a female (male or female.) child; that said child is now ~~living~~ dead and is said to have been named Myrtle

WITNESSES TO MARK:

(Must be Two Witnesses) H. M. Simpson, F. L. Williams

her
× Amandy Danger
mark

Subscribed and sworn to before me this 25 *day of* June *190* 1.

P. F. Simpson

NOTARY PUBLIC.

En. 447. JJP

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Myrtle Proctor, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on March 15, 1904, Toney E. Proctor appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased minor child, Myrtle Proctor, as a citizen by blood of the Creek Nation.

The evidence shows that said Myrtle Proctor was born December 8, 1898 and died June 10, 1899.

The evidence further shows that said Myrtle Proctor was the child of Toney E. Proctor and Susan Proctor whose names are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, numbers 2575 and 2576, respectively.

It is, therefore, the opinion of the Commission that said Myrtle Proctor, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.
MAY 24 1904

Creek No. 447.

Muskogee, Indian Territory, May 25, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Toney R. Proctor for the enrollment of his minor child, Myrtle Proctor, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Myrtle Proctor, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-2-25.

CR EN 448

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MARCH 15, 1904.

In the matter of the application for the enrollment of Stephen Drew as a Creek Freedman.

(The Commission was informed by the office of the Creek Attorney that Mr. Murphy was out of the city.)

Goliah Solomon being called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Goliah Solomon.
Q What is your age? A Forty-two.
Q What is your post office address? A Tallahassee.
Q Do you make application to have Stephen Drew enrolled as a Creek Freedman? A Yes sir.
Q How old is he? A About 19 years.
Q What is the name of his father? A Stephen Drew.
Q Living or dead? A Dead.
Q How long has he been dead? A About 14 years I think.
Q Did he die before the $29 payment? A I don't remember.
Q Was he a citizen of the Creek Nation? A Yes sir.
Q What is the name of this boy's mother? A Rose.
Q Is she living or dead? A Dead.
Q How long has she been dead? A I think its been about ten or twelv years.
Q Was she a citizen of the Creek Nation? A Cherokee Nation.
Q Does this boy live with you? A Yes sir.
Q How long has he been living with you? A About 18 years.
Q Did he live with you before his father died? A Yes sir.
Q Where did his father live? A At Boontown near Clarksville.
Q How come he to live with you? A He had a young wife and had nobody to take care of him.
Q Did you ever draw any money for this boy? A Yes, I thnk I did; I don't know. I had his name put down and I think some of the officers drew for him- Dan Tucker or some of them; I don't remember who it was drew it; he never did get the money; he got goods out of the store.
Q Do you remember how much money you got in your family? A No sir, I don't remember altogether.
Q Do you know whether this boy's father's name was on the Dunn roll or not? A I don't know; I think it was; he has sisters has filed here.
Q Was he ever called by any other name, this boy's father,-besides Sam Drew? A That's all that I know of.
Q Has this boy's father got some sisters that are enrolled, did you say? A Yes sir; Linda Harrison and Nancy Solomon.
Q Is your name on the Dunn roll? A Yes sir.

Q Do you know whether any application has been made for the enrollment of this boy as a citizen of the Cherokee Nation? A No sir, I don't.
Q Do you know whether any money was ever drawn for him in the Cherokee Nation or not? A No sir; if it was he never got it.
Q Do you know whether money was ever drawn for his mother or not?
A I think she drew money over there.
Q Is your wife's name, Nancy? A Yes sir.
Q What's your oldest child's name? A Alice.
Q What is the next one? A Luke.
Q Next? A Nellie.
Q Next? A That's all.
Q Did you ever have any children younger than Nellie? A No sir.
Q Did you ever have any besides those you have named here besides Stephen in your family? A No sir; it may be more there but it would be another woman's children.

Excused and Lizzie Anderson called and sworn testified as follows:

By the Commission:

Q What is your name? A Lizzie Anderson.
Q How old are you? A 29.
Q What is your post office address? A Muskogee.
Q Do you know Stephen Drew? A Yes sir.
Q Is he kin to you? A Yes sir.
Q Do you know whether any money was ever drawn for him in the Creek Nation? A I can't tell you any more than the $14 payment; I know his aunt was getting that.
Q How long has his father been dead? A Between 14 and 15 years.
Q Did he die before the $29 payment or after? A I think it was before as well as I can recollect.
Q Do you know whether any application has ever been made to have this boy enrolled as a Cherokee or not? A I don't know.

Excused and Stephen Drew called and sworn:

By the Commission:

Q What is your name? A Stephen Drew.
Q How old are you? A I am about 19.
Q What is your post office address? A Tallahassee.
Q Do you remember your father? A Yes sir.
Q How old was you when he died? A I can't tell you.
Q You don't know anything about whether the $29 payment was drawn for you or not? A No sir.

Excused and Goliah Solomon recalled:

Q Do you know Daniel Tucker? A Yes sir.
Q Is he living or dead? A Dead.

Q Was he any kin to this boy? A No sir.
Q Was he ever town king? A I don't know; I heard that he had got that money and went and got it and said he didn't get it.
Q Remember who told you that? A Yes sir Dan Tucker. He said he didn't get the money but some of the town officers- I don't remember who said he got it.

The 1891 Emitted roll of the Creek Nation examined and the name of Stephen Drew appears thereon in Arkansas Town at No. 45; the money was receipted for by Daniel Tucker. The 1898 payroll of the Creek Nation examined and the following names appear:

at No.	941,	Goliah Solomon
	942	Nancy Solomon
	943	Luke Solomon
	944	Nellie Solomon
	945	Steven Solomon.

Q Have you ever been appointed guardian of this boy? A No sir.

##########

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 15, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 17th day of March, 1904.

Charles H. Sawyer

Notary Public.

Creek En. 448.

Muskogee, Indian Territory, March 19, 1904.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Sir:

It appears from the testimony in the matter of the application for the enrollment of Stephen Drew as a Creek freedman, that his deceased mother was a Cherokee freedman. A copy of the testimony is inclosed.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of said Stephen Drew as a Cherokee freedman, and whether his name or that of his mother appears upon the Cherokee tribal rolls.

Respectfully,

Commissioner in Charge.

Cr: En: 44

Muskogee, Indian Territory, April 8, 1904.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Sir:

Receipt is acknowledged of your letter of March 29, in which it is stated that under date of March 19, the Commission requested certain information in regard to the enrollment as Cherokee Freedman of the mother of one Stephen Drew, an applicant for enrollment as a Creek freedman. It was further stated that a copy of the testimony in the Creek case was not inclosed as stated in Commission's letter of March 19.

A copy of the testimony in the case is herewith inclosed.

Respectfully,

Commissioner in Charge.

MGH-4-301.

(Copy)

Ref.

Pahlequah, Indian Territory, April 7, 1906.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There was enclosed with Commission's letter of April 4, (Creek No. 441) a copy of the testimony in the matter of the application for the enrollment as a Creek freedman of Stephen Drew, and you ask to be advised whether application has been made for the enrollment of said Stephen Drew as a Cherokee freedman and whether or not his name or the name of his mother appears upon the tribal rolls of the Cherokee Nation in the possession of the Commission.

In reply you are advised that the records of the Commission fail to show that any application has been made to it for the enrollment as a citizen of the Cherokee Nation of Stephen Drew, nor does it appear that his name or the name of his mother appears upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission.

Respectfully,

Dew, Breckinridge.

Commissioner in Charge
Cherokee Land Office.

DEPARTMENT OF THE INTERIOR,
TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Stephen Drew as a Creek freedman.

D E C I S I O N .

The record in this case shows that on March 15, 1904, Goliah Nelemon appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Stephen Drew as a Creek freedman.

The evidence shows that said Stephen Drew was about nineteen years old and living at the date of the application herein, and that he is identified on the 1890 Omitted Roll of the Creek Nation and the 1898 Pay Roll of said Nation.

It is, therefore, the opinion of the Commission that said Stephen Drew should be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

July 12, 1904.

Muskogee, Indian Territory, July 12, 1904.

W. L. Moyl,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Stephen Drew as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Stephen Drew will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

HCH-S-12.

July 22

Muskogee, Indian Territory, January 4, 1905.

Goliah Solomon,

Gainesville, Indian Territory.

Dear Sir:

You are advised that the name of Stephen Drew is contained in a partial list of Creek Freedmen, approved by the Secretary of the Interior on December 24, 1904, and that application for allotcion of land in the Creek Nation may now be made for him at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

CR ED 499

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MARCH 15, 1904.

In the matter of accounting for citizens of the Creek Nation whose names appear upon the tribal rolls of said Nation in the possession of this Commission, who died prior to April 1, 1899.

Dixon Bell, being duly sworn, is examined through Mrs. Lena Merrick, official Creek interpreter, as follows:

Q What is your name? A Dixon Bell.
Q What is your age? A 48.
Q What is your post office address? A Kelleyville.
Q Are you a citizen of the Creek Nation, Euchee Town? A Yes, sir.
Q Do you hold any official position in the Creek Nation? A I was a member of the House of Warriors for twelve years.
Q Are you a member of the Creek Council at the present time? A No,sir
Q When did your last term expire? A At the last term of Council.

Through Mrs. Merrick, official Creek interpreter and Dixon Bell sworn Euchee and Creek interpreter.

Topanfah, being duly sworn, testifies as follows:

Q What is your name? A Tapenfah.
Q What is your age? A? I don't know.
Woman appears to be about 50 or 60 years of age.
Q Are you a citizen of the Creek Nation, Euchee Town? A Yes, sir.

Dixon Bell testifies as follows:
Q Jackson Staley? A He is living.
Q What name does he go by now? A? I don't know.
Q Did you ever know him by any other name? A Not that I know of.

Topanfah testifies as follows:
Q Bardsley Tarkony? A Living.
Q What do you call him now? A Same name.
Q Has he filed on his land? A Yes.
Q How old is he? A About 10 years old.
Q Who does he live with? A With me.
Q Is he older or younger than Connee? A I don't know.
This is on page 102, 1890 Roll.

1898 Roll, No. 383.
Q Yap-pah-ney? A He is dead.
Q Did he die before or after the Creek Land Office opened? A He died five days after the Land Office opened.
Q How do you know that he died five days after the Land Office opened? A Because I made out an affidavit and sent it to the Commission.
Q Who made out the affidavit for you? A A lawyer.
Q Did you tell him what to put in the affidavit or did he put in it just what he wanted to? A I told him the date of the death.
Q Could you tell me the date of his death? A I don't know what month it was, but it was the month the land office opened

Robert E. Grumert being sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above and that this is a full, true and correct transcript of his stenographic notes in same.

Robert E. Grumert

Subscribed and sworn to before me this 15th day of March, 1904.

Chas. [illegible], Notary Public.

[redacted] OF THE [redacted],
[redacted] TO THE [redacted] TRIBE.
MARCH 15, 1906, MUSKOGEE, I.T.

In the matter of the application for the enrollment of Pa co con thlana as a citizen by blood of the Creek Nation.

Tahpafkah being duly sworn testified as follows through Mrs. Merrick, official Creek interpreter, and Simon Bell, sworn Euchee interpreter:

Examination by the Commission:

Q What is your name? A Tahpafkah.
Q What is your age? A I don't know.

Appears to be about 50 or 60.

Q What is your post office address? A Kellyville.
Q Are you a citizen of the Creek Nation, Euchee town? A Yes sir.

Records of the Commission show that Tahpafkah is regularly listed for enrollment on Creek Indian Card No. 1782, approved roll No. 7830.

Q For whom do you desire to make application for enrollment? A Pa-co-con-thlana.
Q Is he living? A Dead.
Q How old was he when he died? A Three years old.
Q Was he more or less than three years? A (No answer.)
Q Was any money ever drawn for him? A Yes sir; they drew the 1898 payment for him.
Q How old was he at that time? A About a year old.
Q Under what name was the money drawn? A Tar-par-na.
Q Was he enrolled with you in your family on the 1898 roll? A Yes sir

The records of the Commission are examined and it appears therefrom that Par con thay nie Tar co nie is found on Old Creek Card 1782 with Tahpanfah; blue pencil notation thereon says: "Died in 1898." The 1898 payroll of the Creek Nation examined and at #388 is found the name Tah pah nay.

Q Who was the father of Par co con thlana? A Tarkany.
Q Who is his mother? A I am; Tahpanfah
Q When did Par co con thlana die? A In April; the year the land office opened.
Q What day did he die in April? A The 8th.
Q How do you know the child died on the 8th of April? A She knew he died then.
Q Can you read or write? A No sir.

Q Did anyone write down the date of the death of Par se con thlama for you? A Sam Brown made an affidavit and put it down.
Q What book or paper did he write it on? A Something like this paper here--- showing blank form of affidavit.
Q Was it an affidavit? A Yes sir, it was an affidavit.
Q Have you ever filed with the Commission an affidavit in the matter of the death of Par se con thlama? A Yes sir.

Records of the Commission examined and it appears that an affidavit in the matter of the death of Par se con thlama was filed with the Commission on February 7, 1906, in which it is stated that Par se con thlama died on the 5th day of April, 1899; said affidavit was executed February 5, 1906 before T.L. Marre, Notary Public.

Q Did you ever make out an affidavit prior to the one you made out before T.L.Marre, a Notary Public? A Made out just one.
Q Did anyone ever write down the date of the death of Par se con thlama before the Notary Public wrote it down on the affidavit?
A Nobody wrote it down.
Q How is it that you remember so well the date of the death of Par se con thlama? A Cause the land office opened in April and we knew it died after the filing began.
Q Were you here when the land office opened? A No.
Q Who told you at the time the land office opened? A Sam Brown told me when the land office opened.
Q Did he tell you what date to put in this affidavit also? A No, he didn't tell us to put the date down thatway; we know that he died a few days before the land office opened that's the reason we put it down that way.
Q Did you buy any material for the burying of Par se con thlama?
A No.
Q Who was present when he was buried? A We were all present when they buried him.
Q Was your interpreter present? A Yes sir.
Q Who was present who else besides those here now? A We were the only ones there.
Q Do you remember when parties were in the field enrolling citizens of the Creek Nation- going around the country? A I don't know.
Q Did any enrolling parties come near your house? A I don't know.
Q Did you ever consult a lawyer concerning this case? A No.
Q Did you tell the Notary Public making out the affidavit in the matter of the death of Parseconthlama the date to put in there or did he put in there what he wanted to? A Yes sir he told the Notary to put the date down.

Thereupon Dixon Bell called and sworn, testified as follows through Mrs. Warrick sworn interpreter:

By the Commission:

Q What is your name, age and post office address? A Dixon Bell, 48, Kellyville.
Q Are you a citizen of the Creek Nation, Euchee town? A Yes sir.

Q Do you know Tahquestah? A Yes sir.
Q Do you know Harkaway? A Yes sir.
Q Do you know a child of theirs named Par co con thlana? A Yes sir.
Q Do you know when it died? A No sir, I don't know when it died. But I was present at the funeral.
Q How old was it? A It was small when it died.
Q [illegible]
Q Do you know that the Creek land office opened? A Yes sir.
Q Do you know of your own knowledge and memory whether Par co con thlana died before or after the Creek land office opened? A He said he made the affid avit that he died after the land office opened.
Q Who made the affidavit? A His father.
Q Well, do you know whether Par co con thlana died the year the land office opened? A I don't know.
Q Does Sam Brown know this family well? A Yes sir.
Q How far did he live from then when Par co thlana died? A About ten miles.
Q Does he live that far now? A Yes sir.
Q Did S.W.Brown know this child? A Yes sir.
Q What relation are you to this family? A No kin at all.
Q Did you and these people live close together when Par co con thlana was living? A Yes sir.
Q Was p r co con thlana a boy or girl? A Boy.

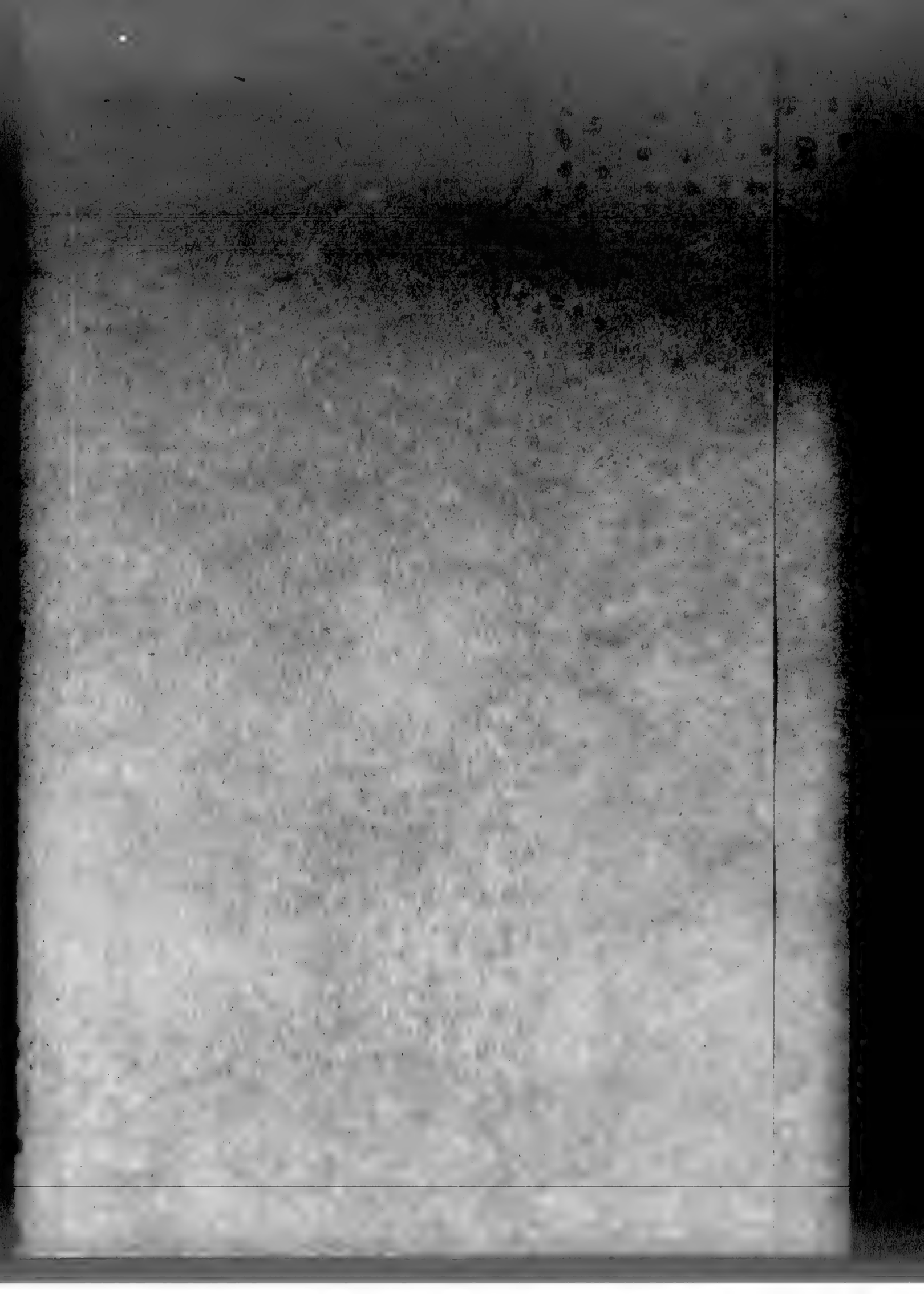
****

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on March 15, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 17th day of March, 1904.

Charles H. Sawyer
Notary Public.



COMMISSION TO THE FIVE CIVILIZED TRIBES.
DEPARTMENT OF THE INTERIOR,
MUSKOGEE, I.T. MARCH 17, 1904.

In the matter of the application for the enrollment of [illegible] as a citizen by blood of the Creek Nation.

Harley Thomas being duly sworn testifies as follows through Mrs. Morrick, offical interpreter:

Examination by the Commission:

Q What is your name? A Harley Thomas.
Q How old are you? A Fifty one.
Q What is your post office address? A Eufaula.

Records of the Commission show that Harley Thomas is listed for enrollment on Creek Indian Card Field No. 4323, together with his wife, Lydia, and that their names are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior November 14, 1902, numbers 9617 and 9618, respectively.

Q For whom do you now make application for enrollment? A Emily Thomas.
Q Are you the father of Emily? A Yes sir.
Q What is the name of her mother? A Lydia Thomas.
Q Is Emily living? A Yes.
Q How old is she? A Four years old.
Q Do you know the day that she was born? I don't know; I have got a record of it at home; I didn't bring it.
Q Do you remember the circumstance of the passage of the first Creek treaty? A Yes, I don't know what day it was.
Q Was Emily born before that treaty was passed? A Yes sir, born before; she was living when the treaty was passed.
Q Are you town king of Eufaula Canadian town? A Yes sir.
Q You have a child younger than Emily have you? A Yes sir; she's nearly three years old.
Q That child was born after the first treaty was passed, was it? A yes, the last one was born after the treaty was passed.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 17, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 18th day of March, 1904.

Charles W. Sawyer

Notary Public.

Dn. 4[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 28, 1904.

In the matter of the application for the enrollment of Emily Thomas as a citizen by blood of the Creek Nation.

Luster Williams being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Luster Williams.
Q How old are you? A Sixty six.
Q What is your post office address? A Eufaula.
Q You are a citizen of the Creek Nation? A Yes sir.
Q Do you know Harley Thomas and his wife, Lydia? A Yes sir.
Q Know a child of theirs named Emily? A Yes sir.
Q Do you know when that child was born? A I don't know the day but it is a little over four years old.
Q Do you remember the circumstance of the passing of the first Creek treaty? A (Through William McCombs, sworn interpreter), He don't know only that the child is a little over four years old.
Q I am not asking him to tell the date of that treaty- but does he remember the circumstance? A He says he heard of it.
Q Was this child born before that treaty or after? A A little before that.

Excused and Jackson Lewis being called and duly sworn, testified as follows, through William McCombs, sworn interpreter:

Q What is your name? A Jackson Lewis.
Q How old are you? A 75.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes; certainly.
Q Do you know Harley Thomas and his wife, Lydia? A Yes sir.
Q Do you know a child of theirs named Emily? A Yes sir.
Q Do you know when that child was born? A He says he can't give the date of the birth but the child, according to his knowledge, knowing the child and about the time it was born, its a little over four years old.
Q Do you remember hearing of the passage of the first Creek treaty? A Yes sir, I heard about it; I can't say when it was.
Q Was this child born before that [illegible] was passed? A I can't tell.

case April 25, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 28th day of April, 1904.

Notary Public.

IN RE
Application for Enrollment of
INFANT CHILD
Emily Thomas
as a citizen of
Creek Nation

Approved 190

Commissioner.

NOV 29 1905

SIXTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,

of Emley Thomas (Give full name of child.), born on the 23 day of Aug, 1906

Name of Father: Harley Thomas, a citizen of the Creek Nation.

Name of Mother: Lydia Thomas, a citizen of the Creek Nation.

Postoffice Eufaula I. T.,

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, Lydia Thomas, on oath state that I am 29 years of age and a citizen by blood, of the Creek Nation; that I am the lawful wife of Harley Thomas, who is a citizen, by blood, of the Creek Nation; that a Female (Male or Female.) child was born to me on 23 day of Aug, 1906 that said child has been named Emley Thomas, and is now living.

Lydia Thomas

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 18 day of Nov, 1906.

L. L. McIntosh
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, Lucy Wesley, a Midwife, on oath state that I attended on Mrs. Lydia Thomas, wife of Harley Thomas on the 23 day of Aug, 1906 that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named Emley Thomas

Lucy Wesley her X mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Lydia Deer
Wm Childs

Subscribed and sworn to before me this 25 day of Nov, 1906.

My commission expires on 10 of Apr. 1907

L. L. McIntosh
Notary Public.

Cr. En. 450

Ave

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emily Thomas as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on March 17, 1904 Harley Thomas appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory and made application for the enrollment of his minor child Emily Thomas as a citizen by blood of the Creek Nation. Further proceedings in the matter of said application were had on April 28, 1904. On November 29, 1905 the affidavits of Lydia Thomas, his mother and Lucy Wesley the midwife as to the date of the birth of said applicant were filed.

The evidence shows that said Emily Thomas was born prior to May 25, 1901 and was living on the date of the application herein; that she is the child of Harley and Lydia Thomas, whose names are contained in a partial list of Creek citizens by blood approved by the Secretary of the Interior November 14, 1902, opposite numbers 9617 and 9618 respectively.

It is, therefore, ordered and adjudged that the said Emily Thomas is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress approved June 30, 1902, (32 Stats., 500) and the application for her enrollment as such is accordingly granted.

COMMISSIONER.

Muskogee, Indian Territory.

June 2, 1906

Creek No. 490

Muskogee, Indian Territory, December 18, 1904.

Harley Thomas,

Eufaula, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your minor child, Emily Thomas, there is inclosed a blank form of birth affidavit, which should be correctly filled out and executed by the mother of the child and the physician or mid-wife in attendance. When duly executed, the affidavit should be returned to the Commission in the inclosed envelope which requires no postage.

Respectfully,

Chairman.

1 B.A.

Creek En 450

Muskogee, Indian Territory, January 10, 1903.

Harley Thomas,

Eufaula, Indian Territory.

Dear Sir:

The Commission is in receipt of an affidavit in the matter of the application for the enrollment of your child, Emily Thomas. Said affidavit is returned to you for correction.

It is presumed that your wife, Lydia Thomas, signed said affidavit by mark and said mark was witnessed by two parties, who appear to have signed by mark.

It is requested that you have said affidavit re-executed with proper signatures. There is herewith enclosed blank form of birth affidavit, which, when properly executed, should be returned to the Commission in the enclosed envlope.

Respectfully,

Chairman.

JYM-51.

1 E A

CR EDU 451

[redacted] OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
[redacted], I.T. MARCH 22, 1904.

In the matter of the application for the enrollment of Daniel Gray as a citizen by blood of the Creek Nation.

The office of A.P.Murphy was communicated with and it was reported that he was not in his office.

Liza Paloske being duly sworn testified as follows through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Liza Parnoskie.
Q How old are you? A I don't know. (Appears to be 50 or more.)
Q What is your post office address? A Kellyville.
Q For whom do you make application for enrollment? A Daniel Gray.
Q ARE YOU ALSO KNOWN BY THE NAME OF LIZA GRAY? A Yes sir.
Q Is Daniel Gray living or dead? A He is dead.
Q How old was he when he died? A He was a s old as this witness here when he died- -referring to a man who appears to be at least 30.
Q Was he your son? A Yes sir.

It appears from the record of the Commission that the name of Daniel Gray appears on Old Creek census card 2794; this card was prepared in 1898; his age is then given as 25 years.

Q Was Daniel Gray a full blood Indian-Creek? A Yes sir.

The 1890 authenticated roll of the Creek Nation examined and Daniel Gray identified thereon at page 140, Little River Tulsa town.
The 1895tribal roll of the Creek Nation examined and Daniel Gray identified thereon at page 216.

Q When did Daniel Gray die? A I don't know when he died, he died in February though.
Q How long has he been dead? A I don't know.
Q Have you a grand child named Bessie Deer? A Yes sir.
Q Did Daniel Gray die before Bessie Deer was born or after? A After she was born.
Q How long after? A I don't know.
Q Did he die the next February after she was born? A I don't know.

EXCUSED and Thomas Sewell called and sworn, testified as follows:

Q What is your name? A Thomas Sewell.
Q What is your age? A Thirty two.
Q What is your post office address? A Holdenville.

Q Do you know Daniel Grayson? A Yes sir.
Q He is dead, is he? A Yes sir.
Q When did he die? A In February I think.
Q What year? A 1904; I wrote it down here- that was 1900.
Q Do you remember the circumstance of the Creek Land Office opening
A Yes sir I heard of it.
Q Did this man, Daniel Gray, die before the land office opened or after? A I think he died before.
Q The February before? A Yes sir, February 25th.
Q Do you know Bessie Deer? A Yes sir.
Q Did he die after she was born or before? A I think he died before.
Q Are you married? A No sir, single.

EXCUSED and Jack Ellis called and sworn, testified as follows;thro Mrs. Merrick.

By the Commission:

Q What is your name? A Jack Ellis.
Q How old are you? A Forty-five.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Are you married? A Yes sir.
Q Do you know Lader Coon? A Yes sir.
Q She is dead, is she? A Yes sir.
Q Did she die before Daniel Gray or after? A Lader Coon died first
Q How long before? A Probably a year; no, Daniel died first.
Q Are you certain of that? A Yes sir.
Q How long before Lader died did Daniel die? A About a year.

EXCUSED and Jackson Coon being duly sworn testified as follows thro Mrs. Merrivk:

By the Commission:

Q What is your name? A Jackson Coon.
Q How old are you? A Thirty-three
Q What is your post office address? A Holdenvillle
Q Did you know Daniel Grayson? A Yes sir.
Q You are the father of Lader Coon, are you? A Yes sir.
Q Which died first, Lader or Daniel? A Daniel Gray died first.
Q How long first? A About two months afterwards; Daniel died in February.

The records of the Commission show that Lader Coon died December 28, 1899.

Two affidavits concerning the death of Daniel Gray heretofore filed with the Commission are made part of the record herein.

####

Henry G. Hains being sworn on his oath states that as stenographer

[redacted]

Henry G. Shiers

Subscribed and sworn to before me this [redacted] day of March, 1[redacted]

Wm. D. Morton Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 17, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation.

TOM TEA, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Tom Tea.
Q How old are you? A About forty.
Q What is your post office? A Holdenville.
Q Did you know Daniel Gray? A Yes, sir.
Q He is dead is he? A Yes, sir.
Q How far did he live from you when he died? A About a mile and a half.
Q Do you know when he died? A The 13th of January, 1900.
Q Did you make a record of the date of his death? A Yes, sir.
Q Have you that record with you? A No, sir, I didn't know I would be called on to testify in the case.
Q Are you related to Daniel Gray? A No, sir.
Q How come you to make a record of his death? A It is just a custom of mine to make such records in my neighborhood.
Q Do you make a record of the death of your neighbors when they die? A Yes, sir, I been in the habit of doing so as a matter of reference.
Q Did you know Ladder Coon? A Yes, sir, she died very young.
Q which died first Ladder Coon or Daniel Gray? A I cannot say.
Q Did Ladder Coon live in your neighborhood? A Yes, sir. I made no record of that child's death. It died very young according to my best recollection.
Q You don't know which died first? A No, sir.
Q Did you know Bessie Deere a grandchild of Liza? A Yes, sir.
Q Was Bessie Deere born before Daniel died or after? A Before.
Q About how old was she when Daniel died? A I don't know.
Q Was she as much as a year old or more? A I think that Bessie was over a year old.
Q Was Daniel living when you filed on your land? A Yes, sir.
Q He was living then? A Yes, sir.

JACKSON COON, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Jackson Coon.
Q How old are you? I don't know.
Q You have appeared before the Commission in this case have you? A Yes, sir.
Q When was it? A January
Q Do you know when Daniel Gray died? A Yes, sir.
Q when was it? A January.
Q What year? A 1900.
Q Are you the father of Ladder Coon? A Yes, sir.
Q Which died first, Ladder or Daniel? A Daniel.
Q How long first? A I cannot say.
Q Had you filed on your land in the Creek Nation when Daniel Gray died? A Died.
Q He was dead when you filed? A Yes, sir.

Q Was your child [illegible], living when Daniel died? A Yes, sir.
Q Do you know when [illegible] died? A December.
Q What year? A Before 1901.
Q Was Daniel Gray living when the Creek Land Office opened or dead?
A He was dead.
Q Tell him Mr. Posey, that I don't mean when he filed on his own land but when the filing was first done by anybody? A He died after the land office opened.
Q Did any body in your neighborhood filed on land before Daniel died? A Yes, sir.
Q Do you remember the name of the persons? A I think John Jacobs filed on his land before Daniel died.
Q Had John Jacobs filed on his land before Daniel died? A Yes, sir.

---------:0:---------

I, D. C. Skaggs, on oath state that the above and forgoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

[illegible signature]

Subscribed and sworn to before me this 14 day of [illegible]

Charles [illegible]
Notary Public.

Ex. 461.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Holdenville, I. T., April 26, 1906.

In the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation.

OTTOWA CAIN, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

Q What is your name? A Ottowa Cain.
Q How old are you? A I am about forty-two.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Little River Tulsa.
Q Did you know a member of your town named Daniel Gray? A Yes, sir.
Q Do you know when he died? A He died sometime in February but I have never been able to determine in what year. His uncle, Pancake, executed an affidavit relative to his death when the Commission was camped at Holdenville some years ago enrolling citizens, and my name was signed to the affidavit without my consent. I was unable at the time, and I am still unable to determine the year in which he died but I am satisfied the date given in that affidavit is correct.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was Daniel Gray living at that time? A No, sir, he was not living at that time, I am positive.
Q Do you know any one who would know the exact date of his death? A Tom Tee told me sometime ago that he knew when Daniel Gray died.
Q Where does Tom Tee live? A Across Little River. I am positive Daniel Gray died in February because [redacted] there was snow on the ground and people at that time had not begun filing upon their allotments.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 30th day of April, 1906.

Notary Public.

En. 461.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., April 27, 1906.

In the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation.

TOM TEE, being duly sworn, testified as follows:

Through Alex Posey official interpreter:

BY THE COMMISSIONER:

Q What is your name? A Tom Tee.
Q How old are you? A About forty-five.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Thlpa Lthpin River.
Q Do you know a member of your town named Daniel Gray? A Yes, sir.
Q Do you know when he died? A He died in the month of January but I do not know in what year. It was either in 1899 or 1900. I have, some where at home, a record of his death which I made.
Q When did you make the record? A I made it as soon as I heard he was dead. I am in the habit of putting down the dates of the deaths of my neighbors and when I heard he was dead I put it down.
Q In what kind of a book did you make the record? A It was written on a sheet of writing paper containing a record of the deaths of other neighbors of mine. It is among my papers at home.
Q Can you produce that record for the inspection of the Commissioner? A I will make a search for the record when I go home and bring it in tomorrow if I find it.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 1st day of May, 1906.

Notary Public.

En. 451.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
HOLDENVILLE, I. T., OCTOBER 18, 1906.

In the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation.

ALFRED GOAT, being first duly sworn by Alex Posey, a Notary Public, and examined, testified as follows.
Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

Q What is your name? A Alfred Goat.
Q How old are you? A 32.
Q What is your postoffice address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Were you acquainted with Daniel Gray? A Yes sir, I knew him well, he was my townsman.
Q To what town do you belong? A Little River Tulsa.
Q Do you know the date of the death of Daniel Gray? A He died in either January or February, 1899, I cannot be sure as to the month but it was either January or February.
Q How do you know, what helps you to remember that he died in either January or February, 1899? A Because he died in the Winter of the small pox epidemic in the Western part of the Creek Nation; I was teaching a neighborhood school at Tuckabatche in January, 1899, and was compelled to close my school on account of the small pox. I closed school on the 8th of January and returned home; when I got home Daniel Gray was sick at his home across Little River a few miles south of the neighborhood in which ~~he lived~~ I lived; there being but little hope for his recovery he was brought to the home of his mother, Liza Gray who lived near me and died there; that was some three weeks after my return home from my school.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes sir, the Land Office opened April 1, ~~1898~~ 1899.
Q And Daniel Gray died prior to that time? A Yes sir.
Q Are you absolutely positive? A Yes sir.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is true, and correct transcript of his stenographic notes thereof.

James B Myers

Subscribed and sworn to before me,
this 26 day of November, 1906.

Alex Posey
Notary Public.

JBM

Ex. #31

[redacted]

In the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation.

TOM TEA, being first duly sworn by, and examined through Alex Posey, a Notary Public, and Official Interpreter, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Tom Tea.
Q How old are you? A I don't know my exact age but I am over 80.
Q What is your postoffice address? A Holdenville.
Q Are you a citizen of theCreek Nation? A Yes sir.
Q Do you know Daniel Gray? A Yes sir.
Q You have heretofore testified in this case, have you not?
A Yes sir.
Q You stated in your former testimony that you had a record showing the date of the death of Daniel Gray. Have you succeeded in finding said record? A I have made a search for the record but have been unable to find it and think that I have lost it, it is not among my papers.
Q Do you know from your recollections exactly when Daniel Gray died? A I stated in my former testimony that he died January 13, 1900, and I am positive that that is correct.
Q Was Daniel Gray a neighbor of yours? A Yes sir, he lived about two miles from me.
Q Was he a relative of yours or not? A No sir, he was only a townsman of mine.
Q Were you present at his death or burrial? A No sir, though I was at home.
Q What reason did you have for making a record of his death?
A I had no reason other than that I had been in the habit of making records of the deaths of the older members of my town for future reference.
Q Did you make that record in a book or a piece of paper, or what? A On a piece of writing paper.
Q When did you last consult that record? A I do not know but it cannot have been verylong ago, I know that I came across the record frequently when going through my papers and was quite certain when I testified in this case at ak Okmulgee that I had the record, but upon search I failed to find it.
Q Do you know whether Daniel Gray died before or after the opening of the Creek Land Office? A He died after the Land Office and I think that I had filed upon my land when Daniel died. The reason we had filed when he died was because he was opposed to allotment and was an active member of the Snake Faction.

Q Do you know anyone else who had made selection of land at the time he died? A John Goat, Robert Stuart and others had filed when he died I am positive.
Q Do you know about how old Daniel Gray was when he died?
A About 30 years old.
Q Do you know who was Chief of the Creek Nation when Daniel Gray died? A Our present Chief, Porter, in his first administration.

P. Porter was inaugurated December 5, 1899.

Q Do you know how long Porter had been Chief when Daniel Gray died? A I can't state exactly but it was not long.
Q Do you remember anything about the small-pox epidemic in the Western part of the Creek Nation some years ago? A Yes sir, I heard about it.
Q Do you know whether Daniel Gray died before or after the Small-pox epidemic? A I cannot be certain but I believe he died afterwards.
Q Have you talked to any one or has anyone talked to you about this case? A No sir.
Q Have you any interest whatever in this case? A No sir, none whatever.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B Myers

Subscribed and sworn to before me,
this 10 day of Dec, 1906.

Notary Public.

JBM

Cr.En. 451

OWH.
JCL.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on September 16, 1901, application was made, in affidavit form, for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation, under the provisions of the act of Congress approved June 28, 1898 (30 Stats. L. 495) and March 1, 1901, (31 Stats., L.861) Further proceedings were had March 22, 1904, October 17, 1904, April 25, 1906, April 27, 1906 and October 18, 1906. The affidavit as to the date of the death of said Daniel Gray filed with the Commission to the Five Civilized Tribes May 17, 1901, is made a part of the record in this case.

The evidence shows that said Daniel Gray, deceased, is identified upon the 1890 authenticated Creek tribal rolls and the 1898 pay roll of said Nation, as Daniel Gray.

It appears from the evidence and the records of the Commissioner that said Daniel Gray was listed for enrollment in 1898, on Old Creek Census card number 2794. A note, under no date, appears on said card as follows: "Daniel Gray died before land office opened, see proof on file".

The evidence in this case is conflicting as to the exact date of death of said Daniel Gray, but the weight of the evidence establishes such date to be in January or February 1899.

It is, therefore, ordered and adjudged that said Daniel Gray, deceased, is not entitled to enrollment as a citizen by blood of the Creek Nation, under the provisions of the acts of Congress approved June 28, 1898 (30 Stats. L. 495) and March 1, 1901 (31 Stats. L. 861) and the application for his enrollment as such is accordingly denied.

COMMISSIONER.

Muskogee, Indian Territory.

Daniel Gray

Eng. Pawtuxet

Daniel died after Bessie Deer was born in Feb.

Thomas Sewell

Daniel died in Feb. 25, 1894 – died before Bessie Deer was born

---

Jack Ellis

Daniel died about a year before Loder Coon.

Jackson Coon

Daniel died in February about 2 mo after Loder

Tom Sea

Daniel died Jan 13/00. and after Bessie Deer was born. Daniel

---

The evidence is not conclusive but its general trend is in favor of the correctness of the application

Bessie Deer
On J. 2523

[illegible] living when evidence filed

Jackson Coon.
[illegible] Jan 13 1900
was dead when evidence filed. Loder Coon was living when he died.
[illegible]
[illegible]

for 11
against 11

1901 afdvt of Daniel Gray 6 " 4 1900

2/17-1904 L. Liza Palaske

~~Tecumseh Bessel~~ Deer was born
says D. Gr. died after

died in Feby - - - -

Thomas Sewell - Thinks died before Bessie
was born - " " " " " L O opened
Says D Gr died in Feby

Jack Ellis
Says died a yr before Lader Coon
Lader Coon died in Dec or - 1899 -

Jackson Coon
Says Daniel died about 2 mos before.
Lader - Says Daniel died in Feby

Oct 17 - 04.
Tom Sea. Says lived 1½ mi. from him

Died ~~in~~ Jan 13 - 00.
Says he made a record.
Didn't have record with him.
Says was living when he filed

Jackson Coon

Sam died in Jan 1900.
Says Alex died first
" " dead when he filed
" Eder C was living when Daniel died
" Dr died after LO opened

Apr 26-06

Oliver Cain says

died in Feb.
Affdt not signed with his consent -
but thinks the date given in the affdt
is correct -
says died in Feb - known on the ground.

Apr 27-06

Tom Lee

died in Janry - 1899. or 1900 -

Oct-18-06

Alfred Goat

died in Janry or Feb 1899
Positive aid of weight.

REFER IN REPLY TO THE FOLLOWING

Cr. No. 481

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 2, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewtih testimony of Ottawa Cain and Tom Tea, taken April 25 and 26, 1906, in the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation.

The record of the death of said Daniel Gray, which Tom Tea claims to have in his possession, is desired in this case.

Respectfully,

In Charge of Creek Field Party.

EXECUTIVE

COMMISSIONER TO FIVE TRIBES.			
No.	Received	[illegible]	
		Book	Page
50878	NOV 23 1906		

Posey, Alex
Weleetka, I.T.
Nov. 22, 1906.

Transmits testimony in re enrollment of Daniel Gray deceased.

PAPERS IN REPLY TO THIS REFERENCE

No. 451

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Weleetka, Indian Territory, November 22, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation, there is inclosed herewith the testimony of Alfred Goat, taken by the Creek Field Party October 18, 1906.

The testimony of Tom Tea, taken in this case, will follow as soon as same has been transcribed.

Respectfully,

In Charge,
Creek Field Party.

JBM

INDEXED

COMMISSIONER TO FIVE TRIBES.
No. 53804
Received DEC 12 1906
Book Page

Posey, Alex,
Bustin, I. T.,
Dec. 11, 1906.

Transmits testimony in re application for enrollment of Daniel Gray, deceased.

CREEK ENROLLMENT.

REFER IN REPLY TO THE FOLLOWING

No. 451.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Dustin, Indian Territory, December 11, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation, there is herewith inclosed the testimony of Tom Tea taken by the Creek Field Party November 12, 1906, together with copies of testimony heretofore taken in said cause.

I have the honor to report that the Creek Field Party is unable to secure further evidence in said cause.

Respectfully,

In Charge,
Creek Field Party.

JBM

7491

REFER IN REPLY TO THE FOLLOWING:
Cr.En.481.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 11, 1909.

Lisa Parnoskig,

Kellyville, Indian Territory.

Dear Madam :--

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Registered.

JWH 11-12

Cr.En.441. JWH

Muskogee, Indian Territory, February 11, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir :--

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

JWH 11-14

Cr. No. 181. JWH

Muskogee, Indian Territory, February 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated February 7, 1907.

Respectfully,

Commissioner.

Through the Commissioner of Indian Affairs.

JWH 11-15

Refer in reply to the following:
Land 15379-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 27, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Daniel Gray, deceased, as a citizen of the Creek Nation, including the decision of Commissioner to the Five Civilized Tribes dated February 7, 1907, adverse to the applicant.

The record shows that on September 16, 1901, application was made in affidavit form for the enrollment of Daniel Gray, deceased, as a citizen of the Creek Nation.

The evidence shows that Daniel Gray, deceased, is identified on the 1890 authenticated Creek tribal roll and the 1895 pay roll of the Creek Nation. The evidence in this case is conflicting as to the exact date of the death of Daniel Gray, but the weight of the evidence establishes such date to be in January or February, 1899.

Therefore, by reason of the provisions of the Act of Congress approved June 28, 1898 (30 Stat. L. 495) and the Act of March 1, 1901 (31 Stat. L. 861), the Office concurs in the decision of Commissioner Bixby denying the enrollment

of Daniel Gray as a citizen of the Creek Nation.

Very respectfully,

C. F. Lafrabee,

Acting Commissioner.

EBM.Ph.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
O.K.

L&R I.T.D.

5704, 5782, 5783, 5784-1907.
5814, 5815, 5838, 5850-1907.
5857, 5858, 5940, 5956-1907.
5962, 5963, 5972, 5974-1907.
5982, 5984, 5986-1907.

March 8, 1907.

RIGHT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed.

Title of Case.	Date of your Letter of Transmittal.
Easter Walker,	January 11, 1907.
Julia Cornelius, et al.,	January 28, 1907.
Paul Bowers,	February 11, 1907.
Moses Vaughan (Freedman),	February 11, 1907.
Charles Clark,	February 9, 1907.
Johny Garwile (Freedman),	February 9, 1907.
Jack and Alice Bell (Freedmen),	February 9, 1907.
Yar-mah-lee et al. (deceased),	February 9, 1907.
Mary Burl (Freedman)	February 11, 1907.
Annie McClelland and Mitchell Cox,	February 9, 1907.
Alvin Smith (deceased) (Freedman),	February 9, 1907.
Isaac and Ethel Grayson (Freedmen),	February 9, 1907.
William B. Self et al.	February 11, 1907.
Annie Morgan (Freedman)	February 9, 1907.
Bennie Griffin (Freedman),	February 11, 1907.
Moses James, (Freedman)	February 9, 1907.
Dan Campbell (Freedman),	January 26, 1907.
Josie Wofford,	February 9, 1907.
Daniel Gray, deceased,	February 11, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

19 inc. and 38 inc.
for Ind. Of.

AFMc
3-8-07.

Muskogee, Indian Territory, March 21, 1907.

Lina Parnoskie,

Kellyville, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Daniel Gray, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CR ED 452

CR ED 452

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MARCH 22, 1904.

In the matter of the application for the enrollment of Robert Downing as a citizen by blood ofmthe Creek Nation.

Watley Downing being duly sworn, testified as follows through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Watley Downing.
Q How old are you? A About 60 I guess.
Q What is your post office address? A Henryetta.

Records of the Commission examined and it appears that Watley Downing has been listed for enrollment on Creek Indian field card No.695, approved roll No. 2272.

Q For whom do you now make application for enrollment? A Robert Downing.
Q Is Robert Downing living or dead? A He is dead.
Q Is he your son? A Yes sir.
Q How old was he when he died? A About 13 years old.
Q Was he a full blood Creek? A Yes sir.
Q To what town in the Creek Nation did he belong? A Osoche.

The 1890 Authenticated roll of the Creek Nation examined and Robert Downing identified thereon in Osoche town page 167 as Robert; the 1895 pay roll of the Creek Nation examined and Robert Downing identified thereon at No. 69, Osoche town, as Robert Town.

Q When did Robert Downing die? A I don't know just exactly when but I think it was on August 26, 1899.
Q How long has he been dead? A About 4 or 5 years; about 5 years.
Q Do you remember the circumstance of the opening of the Creek land office? A Yes sir.
Q Did Robert Downing die before the land office opened or after? A I think he was living when land office opened and died the same month land office opened.
Q Do you remember the circumstance of filing on your land in the Creek Nation? A Yes sir, Robert Downing was dead when I filed.
Q How long had he been dead? A I think it was about two or three yesars.
years.

[redacted] and Sanford Downing called and sworn testified as follows through official interpreter, Mrs. Merrick:

By the Commission:

Q What is your name? A Sanford Downing.
Q What is your age? A Twenty.
Q What is your post office address? A Henryetta.
Q Was Robert Downing a brother of yours? A Yes sir.
Q Do you know when he died? A About 5 years ago. I don't know the date though.
Q Is Watley Downing your father? A Yes sir.
Q Do you remember of Watley Downing's coming to the land office and filing on his land? A Yes, I remember.
Q Was Robert Downing died at that time? A I think so; I am not positive.
Q Do you remember about how long he had been dead? A About two years I guess.

Excused and Watley Downing recalled:

By the Commission:

Q Do you remember of the Commission having men going around the country taking a list of the Creeks? A Yes sir.
Q That was when they were first going around through the country?
A Yes; I was sick in bed though at the time they were around.
Q At that time the names of the members of your family were taken and Robert's name was not taken; can you explain why that was?
A He was on some roll and he don't know why the census taker didn't take the name.

It appears from Old Creek census card #816 that Watley Downing, his wife, Togie, and his children, Sanford, Eliza and Bessie, and an orphan child, Louisa Green, are listed on said card; the name of Robert Downing is not found thereon; this card was made about October, 1898.

The records of the Commission examined and it appears therefrom that on August 16, 1899, Watley Downing appeared in person before the Commission and made application for an allotment of land in the Creek Nation.

[redacted]

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 22, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 22nd day of March, 1904.

W. O. Martin Jr.
Notary Public.

No. 1044.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert Downing, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on March 22, 1904, Wesley Downing appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased son, Robert Downing, as a citizen by blood of the Creek Nation.

The evidence shows that said Robert Downing died prior to April 1, 1899.

It is the opinion of the Commission that there is no authority of law for the enrollment of said Robert Downing as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breedlove
Commissioner.

Muskogee, Indian Territory,

OCT 1 1906

En. 468

Muskogee, Indian Territory, October 17, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Robert Downing as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

WCW-h-10-17

No. 468

Muskogee, Indian Territory, October 17, 1904.

Watley Downing,

Henryetta, Indian Territory.

Dear Sir:

There[illegible]herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Robert Downing as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Register

WWr-f-10-17

[redacted], October 14, 1904.

The Honorable,
[redacted]

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Robert Downing as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

[redacted]

Through the Commissioner
of Indian Affairs.

WWW-1-10-19

COPY

DEPARTMENT OF THE INTERIOR, J.P. MIX

I.T.D. 11074-1904. Washington, November 2, 1904.

IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

October 17, 1904, you transmitted the record in the matter of the application for the enrollment of Robert Downing as a citizen by blood of the Creek Nation, including your decision of October 11, 1904, denying said application.

Reporting in the matter October 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

J.L.Campbell

Acting Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, Oct. 28, 1904.

Land
74,096-1904

The Honorable
The Secretary of the Interior,
Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation, by Watling Downing for his deceased son, Robert Downing.

October 11, 1904, the Commission decided adversely to the applicant.

The record shows that Robert Downing died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

A.C.Tonner,
Acting Commissioner.

(M.M.M.)P.

Cr. Bk. 452

Muskogee, Indian Territory, November 10, 1904.

Watley Downing,

Henrietta, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 11, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated November 2, 1904, denying your application for the enrollment of your son, Robert Downing, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Register

Creek No. 422

Muskogee, Indian Territory, November 10, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 8, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of Robert Downing as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MARCH 25, 1904.

In the matter of the application for the enrollment of Mullie Micco as a citizen of the Creek Nation.

Billy Yahola being duly sworn testified as follows through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Billy Yahola.
Q How old are you? A Thirty-three.
Q What is your post office address? A Morse.
Q Do you know Mullie Micco? A Yes sir.
Q Where does he live? A Its near Bragge Station or Campbell in the Cherokee Nation.
Q He is residing in the Cherokee Nation, is he? A Yes sir.
Q About how old is he? A About thirty-five.
Q How long has he resided in the Cherokee Nation? A He has been there nearly all his life.
Q Do you know whether or not he ever drew any money from the Creek Nation? A I don't know; I don't think he did.
Q What name does he go by in the Cherokee Nation? A I don't know.
Q Was his mother a Cherokee? A No sir, she was a Creek citizen.
Q Mullie Micco is living, is he? A Yes sir.
Q What relation is Mullie Micco, if any, to you? A First cousin.
Q Do you desire to make application to the Commission for his enrollment as a Creek citizen? A Yes sir.
Q Do you know why he has not make application himself dfor his enrollment? A Because he is a "Snake".
Q Is Mullie Micco married? A No sir.
Q Was he ever married? A Yes once; his wife died.
Q What was his wife's name? A I don't know her name.
Q Was she a citizen of the Creek or Cherokee Nation? A She was a Cherokee; her father was a Cherokee and her mother was a Creek; she was Milechee's daughter.
Q Did he- Mullie- have any children? A No sir.
Q How long has Mullie's wife been dead? A Long time.
Q Whom does Mullie live with? A He lives with his house; he is old enough to take care of himself.
Q Does anybody live with him? A He used sometime to live with Milechee; I don't know whether he is living there or not.

Henry G. Paine being sworn on his oath states that he is a stenographer in the Commission to the Five Civilized Tribes and reported the above

Mullie Mikko is listed for enrollment on Creek Indian card Field No. 3457-(in jacket).

The 1890 authenticated Creek tribal roll examined and the name "Mullie" found thereon at page 151, Muyaka town.
1895 omitted roll of the Creek Nation examined and the name "Mullie Mikko" found thereon at page 57, Muyaka town.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 25, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 28 day of March, 1904.

Notary Public.

Dr No 455

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1906

In the matter of the application for the enrollment of Mullie Micco as a citizen by blood of the Creek Nation.

John Mullis, being duly sworn, testified as follows: (through Jesse McDermett, Official Interpreter)

EXAMINATION BY THE COMMISSIONER:

Q What is your name? A John Mullis.
Q What is your postoffice? A Braggs Station.
Q How old are you? A I am over 80.
Q What is the name of your father? A Mullis Harjo.
Q Was he sometimes called Mullis Micco? A Yes sir.
Q Is Mullis Micco living? A No sir.
Q How long has he been dead? A About four years.
Q Are you sure he has been dead that long? A Yes sir.
Q Did he live in the Cherokee Nation at the time of his death? A Yes sir.
Q Did he have any Cherokee name? A No.
Q Was he a citizen of the Creek Nation? A Yes sir.
Q What Town did he belong to? A I am not certain, but I think it was Nuyaka.
Q Do you know Willie Tulwer Micco? A Yes sir.
Q Any kin to your father? A Yes sir; they are brothers.
Q Are you sure that Mullis Micco has not been dead longer than four years? A I am positive.
Q Was Mullis enrolled as a Cherokee? A I don't know.
Q Was he enrolled as a Creek? A A man by the name of John Thomas was down in our settlement not very long ago taking the names of members of his Town which is Nuyaka. I suppose he had them enrolled.
Q Do you know Billy Yahola? A No sir.
Q Did John Thomas get your name when he was down that time? A I was away in Going Snake District at the time he was down there. I don't know whether he took my name.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

J. Y. Miller

Sworn to and subscribed before me this the 18th day of October, 1906.

Edward Greiner
Notary Public.

Dr. No. 445 I.T.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mullie Micco, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

1890 Authenticated Tribal Roll of the Creek Nation examined and Mullie Micco is identified thereon at page 151, Muyaka Town, as Mullie.

1895 Omitted Roll of the Creek Nation examined and Mullie Micco is identified thereon at page 87, Muyaka Town, as Mullie.

Commissioner.

Muskogee, Indian Territory,
October 18, 1905.

Copy.

En. 483.

Muskogee, Indian Territory, March 31, 1904.

Commissioner in Charge
Cherokee Land Office,
Tahlequah, Indian Territory.

Sir:

There is inclosed herewith a copy of the testimony in the matter of the application for the enrollment of Mullis Micco as a citizen of the Creek Nation. From the testimony it appears that said Mullis Micco married a daughter of Milechee.

The records of the Creek Enrollment Division show that Milechee is enrolled by the Commission as Nellie Ned, final roll No. 21055.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of Mullis Micco as a citizen of the Cherokee Nation and whether he is identified on the Cherokee tribal rolls.

Respectfully,

Commissioner in Charge.

Cr.En.308-459.

Muskogee, Indian Territory, April 5, 1904.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Sir:

March 28, 1904, Billy Yahola made application for the enrollment of Mullie Micco and on the same day John Thomas made application for the enrollment of Willie Tulwa Micco, both as citizens by blood of the Creek Nation. A copy of the testimony in each case is herewith inclosed.

It appears that Willie Tulwa Micco was the husband of Milechee (Creek En. #308), whose Cherokee name is Mollie Ned, approved Cherokee Roll No. 21065. Milechee appears to be the mother of Mullie Micco.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of Willie Tulwa Micco and Mullie Micco, or either of them, as citizens of the Cherokee Nation and whether they, or either of them, are identified on the Cherokee tribal rolls.

Respectfully,

2HCH2

Commissioner in Charge.

(Copy)

Jo B

Tahlequah, Indian Territory, April 9, 1904.

B.C.J.

Commission to the Five Civilized Tribes,
(Creek Division),
Muskogee, Indian Territory.

Gentlemen:

This office is in receipt of Commission's letter of April 5 (Creek En. 305-453) enclosing copies of testimony in the matter of the applications for enrollment of Mullie Micco and Willie Tulva Micco as citizens by blood of the Creek Nation. You state that it appears that Willie Tulva Micco, deceased, was the husband of one Milochee, whose name appears upon an approved roll of citizens of the Cherokee Nation opposite No. 21055 as Nellie Ned, and that said Milochee or Nellie Ned appears to be the mother of Mullie Micco. You request to be advised whether application has ever been made for the enrollment of Willie Tulva Micco or Mullie Micco as citizens of the Cherokee Nation, and whether or not their names appear upon the Cherokee tribal rolls.

In reply you are advised that the records of the Commission fail to show that any application has ever been made to it for the enrollment of any such persons as Willie Tulva Micco or Mullie Micco as citizens of the Cherokee Nation, nor can their names be identified, from the information given, upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission.

Respectfully,

C.R.Breckinridge.

Commissioner in Charge
Cherokee Land Office.

MH

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
No. 455-460.

Muskogee, Indian Territory, April 21, 1904.

Willey Micco,

Campbell, Indian Territory.

Dear Sir:

March 25, 1904, John Thomas made application to the Commission for the enrollment of Willie Tulwa Micco as a citizen of the Creek nation, and on the same day Billy Yahola made application for your enrollment as a citizen of said nation. Further evidence in these cases is desired.

You are requested to appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath relative to your right to enrollment as a citizen of the Creek Nation.

Respectfully,

Chairman.

Cr Rn 459 I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mullie Micco, deceased, as a citizen by blood of the Creek Nation.

.....DECISION.....

The record in this case shows that on March 25, 1904, Billy Yahola appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of Mullie Micco, now deceased, as a citizen by blood of the Creek Nation. Further proceedings were had October 12, 1905 and October 13, 1905.

The evidence shows that said Mullie Micco, deceased, died subsequent to April 1, 1899, and that he was a resident of Indian Territory all his life.

The evidence further shows that said Mullie Micco, deceased, is identified on the 1890 Authenticated Tribal roll of the Creek Nation and on the 1895 Omitted Roll of said Nation.

It is, therefore, ordered and adjudged that said Mullie Micco, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory,
JAN 26 1907

Muskogee, Indian Territory, 1/26 1907.

Commissioner to the Five
Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Creek Nation hereby waives protest in this case, reserving to itself, however, the right to attack the enrollment of this person if after investigation it is found that said enrollment was obtained upon fraudulent evidence.

Respectfully,

Creek National Attorney

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., MARCH 25, 1904.

In the matter of the application for the enrollment of Narchechar, deceased, as a citizen by blood of the Creek Nation.

APPEARANCE: A.P.Murphy, attorney for Creek Nation.

Billy Yahola being duly sworn testified as follows through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Billy Yahola.
Q How old are you? A Thirty three.
Q What is your post office address? A Morse.
Q Do you make application for the enrollment of Narchechar as a citizen of the Creek Nation? A Yes sir.
Q Is Narchechar living or dead? A She's dead.
Q Is Narchchar a man or woman? A Woman.
Q How old was she when she died? A About 18 years old.
Q Was she a full blood Creek Indian ? A Yes sir.

The 1890 authenticated tribal roll of the Creek Nation examined and Narchechar identified thereon Nuyaka town, page 149 as Narchicher she is also identified on the 1895 pay roll, No. 118, as Narchechar.

Q Was Narchechar kin to you? A She was my sister.
Q When did she die? A July 17, 1899.
Q Did you make any record of the date of her death? A Yes sir.
Q What did you write it down in? A Just a little pocket memorandam.
Q Have you that book with you? A No sir.
Q Have you the book at home? A Yes sir.
Q How long after her death did you write that in your book?
A The same day she died.
Q Have you a child named Sadie? A Yes sir.
Q Did Narchechar die before Sadie was born or after? A After.
Q How long after? A Sadie was born in November and the year following in July Narchechar died; nearly a year afterwards.

The records of the Commission show that Sadie Yahola was born November 14, 1898.

Q Do you remember about the opening of the Creek land office? AYes.
Q Was Narchechar alive when the land office opened or dead? A She died after land office opened.
Q Do you know Cheefola Parjo? A Yes sir.
Q Did he know Narchechar? A I guess so; I don't know.

Q He is town king Eufaula town, is he? A Yes sir.
Q In his testimony given [illegible] he stated that Marcheehar died before [illegible] on about that? A I guess he was mistaken because I was [illegible] when he died.

Examination by Mr. Murphy:

Q Do you know Jack Sullivan? A No.
Q Do you know Nocus Harjo? A Yes sir.
Q Is Nocus living or dead? A He is living.
Q Do you know Yarhar Tustanagee? A Yes sir.
Q Living or dead? A He is dead.
Q Did Marcheehar die before or after Yarhar-? A Marcheehar died after Yarhar.
Q How long after? A Abut 7 or 8 years.
Q Do you know Watey Bruner? A Yes sir.
Q Is he living or dead? A He is dead.
Q Did Marcheehar die before or after Watey? A After Watey died.
Q Do you know Little Thomas? A Yes; Tomoche.
Q Is he living or dead? A Living.
Q Do you know Moscche? A Yes sir.
Q Living or dead? A He is dead.
Q Did Marcheehar die before or after Moscche? A Marcheehar died after Moscche did.
Q How long after? A I don't know.
Q Who was chief when Marcheehar died; principal chief of the Creek Nation? A Porter.

Excused and Robert West called and sworn testified as follows thru Mrs. Merrick:

By the Commission:

Q What is your name? A Robert West.
Q How old are you? A Thirty-four.
Q What is your post office address? A Morse.
Q Did you know Marcheehar? A Yes sir.
Q Know when she died? A Yes sir.
Q When did she die? A I think she died about July 16 or 17, 1899.
Q Did she die before Creek land office opened or after? A She died after land office o pened.
Q How far did you live from Marcheehar when she died? A About 8 miles.
Q How long had you known her? A Nearly all her life.
Q Was she married? A Yes sir.
Q What was the name of the man to whom she was married? A Joe; I don't know the other.
Q Did she have any children? A I don't know how many; she had some I heard.
Q Do you know the names of any of them? A No sir.

Excused and Billy Yahola recalled:

By the Commission:

Q Did Marcheehar have any children? A She had one child.
Q What was its name? A It never was named; died soon after it was

born.

Excused and Tom West recalled:

Examination by Mr. Murphy:

Q Was you at the funeral? A No sir.
Q See her after she died? A No sir.
Q How do you know she died in July 1899? A Because I heard so.
Q Then you are testifying from something that somebody else told you? A Yes sir.

By the Commission:

Q Is it a matter of common information in your neighborhood that she died after that time? A Yes sir.

Excused and John Thomas recalled and being duly sworn, testified as follows through Mrs. Merrick, official interpreter:

Q What is your name? A John Thomas.
Q How old are you? A Thirty two.
Q What is your post office address? A Morse.
Q Do you know Narcheohar? A Yes sir.
Q Did you know Narcheohar? A Yes sir.
Q Did you hear of her death about the time it occurred? A Yes sir.
Q From what you heard concerning her death, did she die before the Creek land office opened or after? A Yes sir, about that time.
Q Did she die before or after Creek land office opened? WAS the land office opene when she died or not? A I can't swear to that; I only heard that she died about that time.

(Statement by Mr. Murphy: The Creek Nation has no evidence to offer)

An affidavit heretofore filed with the Commission relative to the death of Narcheohar is made part of the record herein.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above and that this is a full true and correct transcript of his stenograph notes in same.

Henry G. Haines

Subscribed and sworn to before me this 28th day of March, 1904.

[illegible] Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1373

In the matter of the application for the enrollment of Marshechar, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

THE record in this case shows that on March 25, 1904, Billy Yahola appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased sister, Marshechar, as a citizen by blood of the Creek Nation.

The evidence shows that said Marshechar was a full blood Creek Indian; that she is identified on the 1890 and 1895 authenticated tribal rolls of the Creek Nation, and that she died July 17, 1899.

It is, therefore, the opinion of the Commission that Marshechar, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breedlove.
Commissioner.

Commissioner.

Dated at Muskogee, I.T.

MAY 24 1904

Creek En. 484.

Muskogee, Indian Territory, May 25, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Billy Yahola for the enrollment of his sister, Marcheehar, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Marcheehar, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HOH-9-25.

I. 4839

Muskogee, Indian Territory, July 11, 1904.

Billy Yahola,

Morse, Indian Territory.

Dear Sir:

You are advised that the name of your sister, Marcheolar, deceased, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior June 28, 1904, and that application for a selection of land in the Creek Nation may now be made for her at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

EN 456

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MARCH 28, 1904.

In the matter of the application for the enrollment of Lucinda and Stella Haikey as citizens by blood of the Creek Nation.

APPEARANCES: A. P. Murphy attorney for Creek Nation.

Louisa Haikey being duly sworn testified as follows through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Louisa Haikey.
Q How old are you? A Twenty-three.
Q What is your post office address? A Dry.
Q Are you a full blood Creek Indian? A Yes sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Ben Haikey.
Q What was your name before you married? A Louisa Malone.

The records of the Commission examined and it appears that Louisa Malone is listed for enrollment on Creek Indian card Field No. 668 and that her name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13 1902, approved No. 2197.

Q For whom do you now make application for enrollment? A My twin children.
Q What are their names? A Lucinda and Stella Haikey.
Q Are they living? A No, both dead.
Q How old was Stella when she died? A It was two weeks old and three days old.
Q How old was Lucinda when she died? A One week and three days old
Q When was Stella born? A May 10, 1901.
Q When was Lucinda born? A Same day.
Q They are twins, then? A Yes sir.
Q Do you remember of making an affidavit about the birth of these children? A Yes sir.
Q How long after these children were born before you made that affidavit? A About a year afterward.
Q Do you know Robert E. Lynch? A Yes sir.
Q Did you go before him and have him to fill out affidavits about these children? A Mr Lynch came to my house and wanted to make the affidavit but my stepdaughter told him that they were born in June instead of May.
Q How long was it after the children were born before this man, Lynch was at your house? A About 3 or 4 days after they were born.

It appears from affidavits on file with the Commission that on

June 18, 1901, Louisa Maikey executed affidavits before Robert E. Lynch, a Notary Public, from which it appears that Stella and Lucinda Maikey were born June 10, 1901. The corroborating affidavit in each case being executed on the same day by E.S.Drumfield a physician in attendance at the birth of said child.

Examination by Mr. Murphy:

Q Were these children living at the time Mr. Lynch was at your house an obtained these affidavit s? A Yes sir.

By the Commission:

The affidavits referred to are made part of the record herein.

Henry C. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 25, 1904, and that this is a true, full and correct transcript of his stenographic notes in same.

Henry C. Haines.

Subscribed and sworn to before me this 28th day of March, 1904.

Charles T. Sawyer

Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

.....

as a citizen of

.....Nation.

Approved.....190.....

.....

Commissoner.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Stella Haikey (Here insert name of child), born on the 10" day of June, 1901
Name of Father: Benjamin Haikey Sr. a citizen of the Creek Nation.
Name of Mother: Louisa Haikey a citizen of the Creek Nation.
Post-office Fry, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern District.

I, Louisa Haikey, on oath state that I am 20 years of age and a citizen, by Birth, of the Creek Nation; that I am the lawful wife of Benjamin Haikey Sr., who is a citizen, by Birth, of the Creek Nation; that a Female (Male or female) child was born to me on 10" day of June 1901; that said child has been named Stella Haikey, and is now living.

(signed) Louisa Haikey

WITNESSES TO MARK:
Kizzie her x Loler
Lewis mark Bibles
(Must be Two Witnesses.)

Seal

Subscribed and sworn to before me this 18 day of June 1901.

Com Ex 6/1/1904

Robert E. Lynch
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern District.

I, R. J. Brumfield, a Physician, on oath state that I attended on Mrs. Louisa Haikey, wife of Benjamin Haikey Sr. on the 10 day of June, 1901; that there was born to her on said date a Female (MALE OR FEMALE) child; that said child is now living and is said to have been named Stella Haikey

WITNESSES TO MARK:
Kizzie her x Loler
Lewis mark Bibles
(Must be Two Witnesses.)

(signed) R. J. Brumfield M. D.

Seal

Subscribed and sworn to before me this 18 day of June 1901.

Com Ex 6/1/1904

Robert E. Lynch
NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

.....

as a citizen of

.....Nation.

Approved.....190.....

.....

Commissioner.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Lucinda Haikey (Here insert name of child) born on the 10 day of June, 1901
Name of Father: Benjamin Haikey Sr. a citizen of the Creek Nation.
Name of Mother: Louisa Haikey a citizen of the Creek Nation.
Post-office Fry, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern District.

I, Louisa Haikey, on oath state that I am 20 years of age and a citizen, by Birth, of the Creek Nation; that I am the lawful wife of Benjamin Haikey Sr., who is a citizen, by Birth, of the Creek Nation; that a Female (Male or female) child was born to me on 10th day of June, 1901; that said child has been named Lucinda Haikey, and is now living.

(signed) Louisa Haikey

WITNESSES TO MARK:
Kizzie her + Loler
Lewis mark Bibles
(Must be Two Witnesses.)

Seal

Subscribed and sworn to before me this 18 day of June, 1901

Com ex. 6/1/1904

Robert E. Lynch
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern District.

I, R. S. Brumfield, a Physician, on oath state that I attended on Mrs. Louisa Haikey, wife of Benjamin Haikey Sr. on the 10 day of June, 1901; that there was born to her on said date a Female (MALE OR FEMALE) child; that said child is now living and is said to have been named Lucinda Haikey

WITNESSES TO MARK:
Kizzie her + Loler
Lewis mark Bibles
(Must be Two Witnesses)

(signed) R. S. Brumfield M. D.

Seal

Subscribed and sworn to before me this 18 day of June, 1901.

Com ex 6/1/1904.

Robert E. Lynch.
NOTARY PUBLIC.

No. 455.

[redacted]

In the matter of the application for the enrollment of Lucinda and Stella Haikey as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on March 25, 1904, Louisa Haikey appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her two deceased children, Lucinda and Stella Haikey, as citizens by blood of the Creek nation.

The evidence shows that said Lucinda and Stella Haikey were born subsequent to May 25, 1901.

It is the opinion of the Commission that said Lucinda Haikey and Stella Haikey are not entitled to enrollment as provided by the act of Congress, June 30, 1902 (32 Stats., 500), and that the application for their enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

July 12, 1904.

No. 4[illegible]

Muskogee, Indian Territory, July 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Louisa Haikey for the enrollment of her two deceased children, Lucinda and Stella Haikey, as citizens by blood of the Creek Nation, including the decision of the Commission dated July 12, 1904, denying said application.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

NCW-C-13.

Muskogee, Indian Territory, July 13, 1904.

M. L. Mott,
Atterney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lucinda and Stella Haikey, deceased, as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

HGH-7-13.

Enc. 455.

Muskogee, Indian Territory, July 18, 1904.

Louisa Mackey,

Dry, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of your deceased children, Lucinda and Stella Maikey, as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

HGH-8-13.

Registrar.

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS,

46156-1904.

Washington, October 10, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 13, 1904, transmitting the record of the application for the enrollment as citizens by blood of the Creek Nation by Louisa Haikey for her deceased children, Lucinda and Stella Haikey.

July 12, 1904, the Commission decided adversely to the applicant.

The record shows that Lucinda and Stella Haikey were born subsequent to May 25, 1901.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

M.M.M.

W.

DEPARTMENT OF THE INTERIOR

I.T.D.10186-1904 WASHINGTON M.O.F. THE J.P.

L.R.S.

October 15-1904

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 13, 1904, you transmitted the record in the matter of the application of Louisa Haikey for the enrollment of her two deceased children, Lucinda and Stella Haikey, as citizens by blood of the Creek Nation, including your decision of July 12, 1904, denying said application.

Reporting in the matter ~~of~~ October 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

1 inclosure.

Mn.-455.

Muskogee, Indian Territory, October 26, 1904.

M. L. Mott,
Attorney, Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 12, 1904, denying the application of Louisa Haikey for the enrollment of her two deceased children, Lucinda and Stella Haikey, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

Ex.455.

Muskogee, Indian Territory, October 26, 1904.

Louisa Haikey,

Fry, Indian Territory,

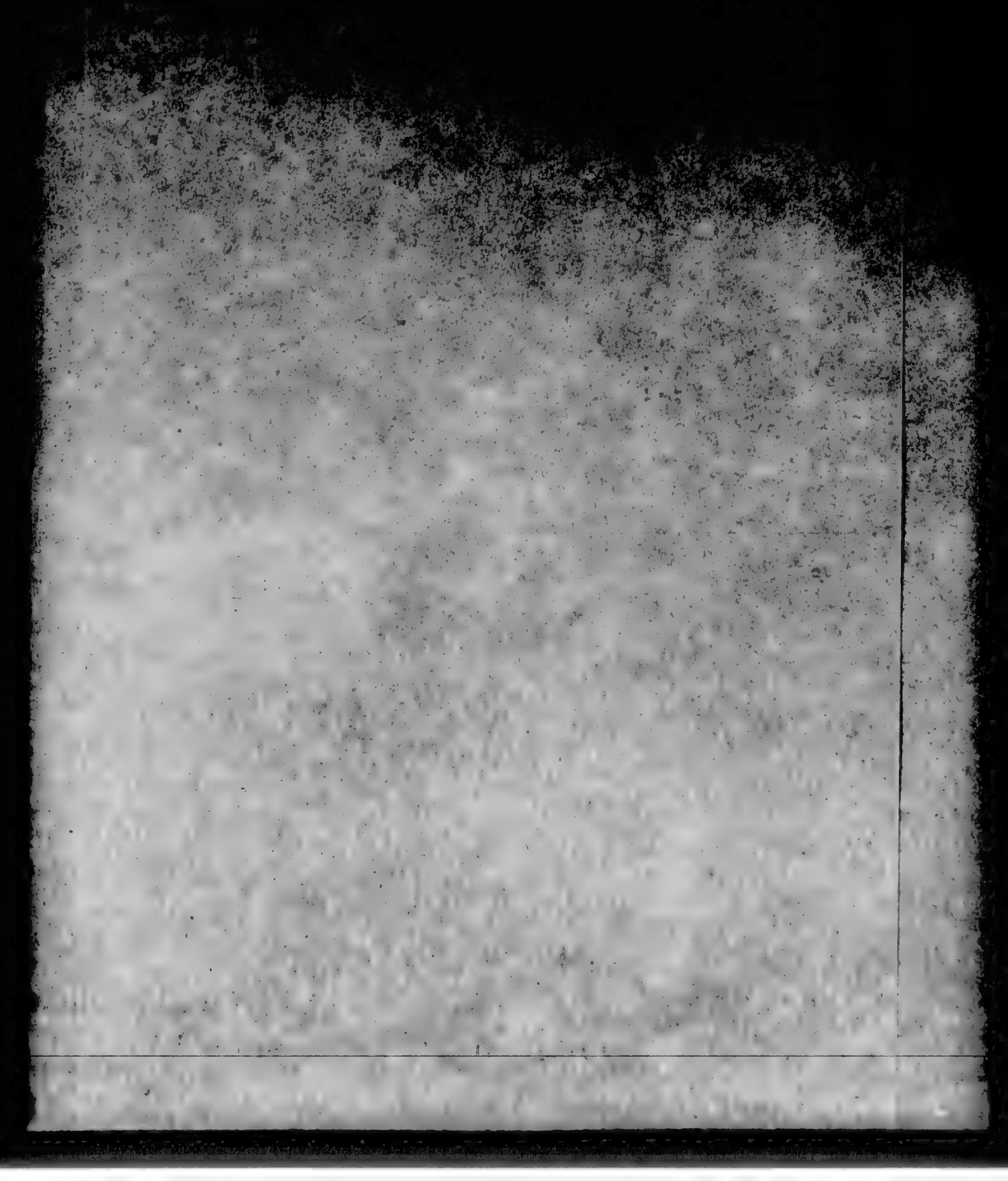
Madam:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 12, 1904, denying your application for the enrollment of your two deceased children, Lucinda and Stella Haikey, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

Registered.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. MARCH 26, 1904.

In the matter of the application for the enrollment of Jesse Newman Helton as a citizen by blood of the Creek Nation.

APPEARANCES: A.P.Murphy, attorney for Creek Nation.

Nellie Helton being duly sworn testified as follows:

Q What is your name? A Nellie Helton.
Q How old are you? A Thirty.
Q What is your post office address? A Sapulpa.
Q Do you make application for the enrollment of Jesse Newman Helton?
A Yes sir.
Q Is he your child? A Yes sir.
Q Is he living? A Yes sir.
Q You are a full blood Creek, are you? A Yes sir, Euchee.
Q Are you married? A Yes sir.
Q What is the name of your husband? A W.B.Helton.
Q What is your name before you were married? A Nellie Tiger.
Q You have a child named Lonie? A Yes sir.

The records of the Commission show that the witness is listed for enrollment on Creek Indian Card Field No. 186 and that her name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March13, 1902, approved No. 663.

Q Is W.B.Helton a white man? A Yes sir.
Q When was Jesse Newham Helton born? A April 30, 1901.
Q Have you any children younger than Jesse? A Yes sir, two;twins.
Q When were they born? A September 11, 1903.
Q Do you remember hearing of the first Creek treaty about the time it was passed? A Yes sir.
Q Was Jesse Newman Helton born before or after that treaty was passed? A He was born before.
Q How long before do you remember? A April 30, 1901. How I misinformed; they told me the treaty was ratified April 25th.
Q Did you put it down in a book anywhere about the birth of that child, Jesse? A Yes sir.
Q What book did you write it in? A We got it down at home in a paper. we haven't got it with us.
Q When was Lonie born? A He was born February 14, 1899.

The records of the Commission show that Lonie Helton was born February 14, 1899.

An affidavit heretofore filed with the Commission relative to the birth of Jesse Newman Helton is made part of the record herein.

Excused and W.B .Helton called and sworn, testified as follows:

By the Commission:

Q What is your name? A W.B.Helton.
Q What is your age? A Thirty five.
Q What is your post office address? A Sapulpa.
Q Are you the husband of Nellie Helton? A Yes sir; we have a child older than this one that is dead- named Lonie.
Q Have you a child named Jesse Newman Helton? A Yes sir.
Q How old is he? A He will be three years.
Q Is this the child here with you now? A Yes sir.
Q Do you remember hearing of the passage of the first Creek treaty? A Yes sir, but we was a little mistaken about it; I never paid much attention to it; we understood that we was cut out with this little fellow and so we didn't think much about it and we heard of other people filing and we knew we had a right if they did.
Q Was this boy born before that treaty was ratified or after? A He was born before; he was born April 30, ~~1899~~1901.
Q Did you make a record of that in a book,anywhere? A No sir, we didn't with any of our children-not even of the twins; the woman did the filing for all before.
Q You are positive that the child was born on the 30th of April? A Yes sir. We can get sworn affidavit from the physician; he was the physician in attendance; Plumstead, Dr.
Q Does he live near you now? A Yes sir.
Q How far does he live from you-- this physician? A About three miles.

When you return home, you see that physician who was in attendance and you have him make a sworn statement showing just what his books show as to the the time this child was born and send that by mail to the Commission.

##########

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 26, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 29th day of March, 1904.

Chas. Hetherington

Notary Public.

No. 456.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse Newman Helton as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on March 26, 1904, Nellie Helton appeared before the Commission and made application for the enrollment of her minor child, Jesse Newman Helton, as a citizen by blood of the Creek Nation.

The evidence shows that said Jesse Newman Helton was born April 30, 1901, and was living at the date of the application herein.

The evidence further shows that he is the child of Nellie Helton who is identified on the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, No. 663.

It is, therefore, the opinion of the Commission that Jesse Newman Helton should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

July 12, 1904

Creek Nation Card No. 116

20 190

IN RE

Application for Enrollment of

INFANT CHILD

Jesse A. Nelson

as a citizen of

Creek Nation.

Approved 190

.....

Commissoner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MAR 16 1904

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Muskogee or Creek Nation,
of Jesse Newman Kelton, born on the 30th day of April, 1901
(Here insert name of child)

Name of Father: W. B. Kelton, a citizen of the Nation.

Name of Mother: Nellie Kelton (Tiger), a citizen of the Creek Nation.

Post-office Sapulpa I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. } Western District. }

I, Nellie Kelton, on oath state that I am 29 years of age and a citizen, by Birth, of the Creek Nation; that I am the lawful wife of W. B. Kelton, who is a citizen, by Marriage, of the Creek Nation; that a Male (Male or female) child was born to me on the 30th day of April, 1901; that said child has been named Jesse Newman Kelton, and is now living.

Nellie I. Kelton

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14th day of March, 1904

My Commission Expires July 8th, 1906.

John M. Weeks.
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. } Western District. }

I, Minnah Davis, a Mother, on oath state that I attended on Mrs. Nellie Kelton, wife of W. B. Kelton, on the 30th day of April, 1901; that there was born to her on said date a Male (MALE OR FEMALE) child; that said child is now living and is said to have been named Jesse Newman Kelton

her
Minnah X Davis
Mark

WITNESSES TO MARK:

C. L. Green

(Must be Two Witnesses)

Subscribed and sworn to before me this 14th day of March, 1904.

My Commission Expires July 8th, 1906.

John M. Weeks
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

3-31-05

CHAIRMAN

JOHN M. WEEKS.

We do a General Real Estate Business, Make Loans, Rent Property.

Office of Pioneer Real Estate Co.

JOHN M. WEEKS, Notary Public.

FRANK WEEKS.

Make Collections and Write Insurance.

Sapulpa, Ind. Ter.

United States of America.)
Indian Territory.) SS
Western District.)

I. M. E. Plumbstaedhaveing been duly sworn do depose and say that I am 31 years of age, and reside in Sapulpa In the Wes-tern District Indian Territory; That I am a practiseing Physician and that I was in attendance at the Birth of a child whose Mothers name is Nellie Helton and that the child was born on the 30th day of April in 1901, and that I have since learned that the child was named Jesse Newman Helton.

Sub

I. M. E. Plumbstaedhead M.D.

Subscribed and sworn to before me this the 29th day of March 1904.

John M. Weeks
Notary Public.

My commission expires July 8th 1906.

No. 456.

[redacted] TRIBES.

In the matter of the application for the enrollment of Jesse Newman Melton as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on March [redacted], 1904, Nellie Melton appeared before the Commission and made application for the enrollment of her minor child, Jesse Newman Melton, as a citizen by blood of the Creek Nation.

The evidence shows that said Jesse Newman Melton was born April 30, 1901, and was living at the date of the application herein.

The evidence further shows that he is the child of Nellie Melton who is identified on the partial list of Creek citizens by blood approved by the Secretary of the Interior March 15, 1902, No. 663.

It is, therefore, the opinion of the Commission that Jesse Newman Melton should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

July 12, 1904

No. 46

Muskogee, Indian Territory, July 13, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jesse Newman Melton as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Jesse Newman Melton will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-1-13.

Muskogee, Indian Territory, January 4, 1906.

Nellie Nelton,

Eufaula, Indian Territory.

You are hereby advised that the name of your minor child, Jesse Newman Nelton, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land for her in the Creek Nation may now be made at the office of the Commission to Muskogee, Indian Territory.

Respectfully,

Chairman.

In the matter of the application for the enrollment of Sarah Squire as a citizen by blood of the Creek Nation.

APPEARANCES: A.P.Murphy, attorney for Creek nation.

Casey Tiger being duly sworn testified as follows through Nellie Helton, sworn Euchee interpreter:

Examination by the Commission:

Q What is your name? A Casey Tiger.
Q How old are you? A I don't know.

Appears to be 22 or 23.

Q What is your post office address? A Sapulpa.
Q Is John Tiger your brother? A Yes sir.

The records of the Commission show that the witness is identified on the Creek Indian roll card Field No. 1001 and that her name is contained in the partial list of creeks by blood approved by the Secretary of the Interior March 13, 1902, No. 3226.

Q Who is it now that you want to have enrolled? A Sarah Squire.
Q Is Sarah Squire living or dead? A She's dead.
Q Was she your child? A Yes sir.
Q How old was she when she died? A A week old.
Q When did she die? A I don't know what month.
Q What time of the year was it, Winter Spring, Summer? A I think it was in the Spring, about April.
Q How long has she been dead? A I don't know but it must be about three years.
Q Is this your child you have in your arms? A Yes sir.
Q How old is that child? A Two years old.
Q What month was this child born in? A In April.
Q How long had Sarah been dead when this child was born? A I don't remember; they came before the Dawes Commission here and they told her they couldn't get any filing for her and they dropped it.

An affidavit heretofore filed with the Commission in the matter of the death of Sarah Squire is made part of the record herein.

Henry G. Paine being sworn on his oath states that as stenographer

[redacted]

TO the Commission to the Five Civilized Tribes: he reported the above case March 26, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry R. Hendo

Subscribed and sworn to before me this 29th day of March, 1904.

Chas. Kabaniss

Notary Public.

In the matter of the Estate of [illegible]

a citizen of the [illegible] Nation, who formerly resided at or near

Sapulpa, Indian Territory, who died on the 19 day of

April, 1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Cassey Tiger, on oath state that I am 72 years of age and a citizen, by Blood, of the Creek Nation; that my postoffice address is Sapulpa (Here insert name of postoffice.), Ind. Ter.; that I am Mother (State relationship as the father; as uncle, a cousin, etc.) of Sarah Squirl (Here insert name of deceased), who was a citizen, by Blood, of the Creek Nation; and that said Sarah Squirl (Here insert name of deceased.) died on the 10th day of April, 1900.

Cassey Tiger

WITNESSES TO MARK:

(Must be Two Witnesses) (Seal)

Subscribed and sworn to before me this 20 day of March 1900.

John F. Egan

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Nellie Stelton, on oath state that I am 37 years of age, and a citizen by Blood, of the Creek Nation; that my postoffice address is Sapulpa (Here insert name of postoffice.), Ind. Ter.; that I was personally acquainted with Sarah Squirl (Here insert name of deceased), who was a citizen, by Blood, of the Creek Nation; and that said Sarah Squirl (Here insert name of deceased) died on the 10 day of April, 1900.

Nellie Stelton

WITNESSES TO MARK:

(Must be Two Witnesses) (Seal)

Subscribed and sworn to before me this 20 day of March 1900.

John F Egan

Notary Public.

Ex. 457.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Squire, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on March 26, 1904, Casey Tiger appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased child, Sarah Squire, as a citizen by blood of the Creek Nation.

The evidence shows that said Sarah Squire was born subsequent to July 1, 1900 and died prior to May 25, 1901.

It is the opinion of the Commission that said Sarah Squire is not entitled to enrollment as a citizen by blood of the Creek Nation as provided by the act of Congress, June 30, 1902 (32 Stats., 500), and that the application for her enrollment as such should, therefore be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.
Aug 3, 1904

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Casey Tiger for the enrollment of her deceased child, Sarah Squire, as a citizen by blood of the Creek Nation, including the decision of the Commission, dated August 3, 1904, denying said application.

Respectfully,

(Signed) T.B.Needles

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

HGH-8-4-8

No. 197.

Muskogee, Indian Territory, August 6, 1898.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah Squire, deceased, as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HGH-7-4-C

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
No. 457.

Muskogee, Indian Territory, August 4, 1904.

Casey Tiger,

Sapulpa, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of your deceased child, Sarah Squire, as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register

HGH-6-4-8-

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS,

53826-1904.

Washington, October 10, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated August 4, 1904, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation by Cassey Tiger for her deceased child, Sarah Squire.

August 3, 1904, the Commission decided adversely to the applicant.

The record shows that the said Sarah Squire was born subsequent to July 1, 1900, and died prior to May 25, 1901.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

M.M.M.

W.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

August 4, 1904, you transmitted the record in the matter of the application of Casey Tiger for the enrollment of her deceased child, Sarah Squire, as a citizen by blood of the Creek Nation, including your decision of August 3, 1904, denying said application.

Reporting in the matter October 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

No. 417.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 26, 1904.

Casey Tiger,

Sapulpa, Indian Territory,

Madam:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying your application for the enrollment of your deceased child, Sarah Squire, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Registered.

Muskogee, Indian Territory, October 26, 1904.

M.L.Mott,

Attorney, Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying the application of Cusey Tiger, for the enrollment of her deceased child, Sarah Squire, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

In the matter of the application for the enrollment of Timmie Fisher as a citizen by blood of the Creek Nation.

Jeff T. Canard being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jeff T. Canard.
Q How old are you? A Thirty-one.
Q What is your post office address? A Wetumka.
Q You are a citizen by blood of the Creek Nation? A Yes sir.
Q Do you desire to make application for the enrollment of Timmie Fisher as a citizen by blood of the Creek Nation? A Yes sir.
Q Is he living or dead? A He is dead.
Q About how old was he when he died? A Must have been about 55 years old.
Q Was he a Creek by blood? A Yes sir he was a full blood.
Q Did he ever go by any other name? A Timmie Fife.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of Timmi Fisher is found thereon at page 196 Thlopthlocco town; the 1895 payroll examined and Timmy Fisher identified thereon at #448, Thlopthlocco town.

Q Did he live in the Creek Nation all his life? A Yes sir.
Q When did he die? A The last part of May, 1899.
Q Tell why it is that this is impressed on your mind that he died at that time? A During that time the Wetumka school was closing out in May, 1899; Timmie Fisher was to attend the closing exercises and he got drowned on that day in the river; the water was high; there was floods.
Q You belong to Thlopthlocco town? A Yes sir.
Q A member of the House of Warriors? A Yes sir.
Q You know Timmie Fisher yourself? A Yes sir.
Q Has he any near relatives living? A Only a half brither I think.
Q What is his name? A Solomon Fife.
Q Got a sister? A I can't tell you.
Q His father and mother both dead? A Yes sir.
Q Was he a married man? A No sir.
Q And no children that you know of? A No sir.
Q You have no interest in this case other than desiring to have the interests of the members of your town protected? A That's all.

Witness excused and Chapley Yahola called and sworn, testified as follows:

By the Commission:

Q What is your name? A Chapley Yahola.
Q How old are you? A 43 or 44.
Q What is your post office address? A Wetumka
Q Do you know Timmie Fisher? A I did.
Q Is he [illegible]? A [illegible]

[redacted]

Henry G. Haines being sworn on his oath states that he stenographer to the Commission to the Five Civilized Tribes he reported the above case March 30th and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 30th day of March, 1904.

Chas. H. Johnson
Notary Public.

No. [redacted].

[redacted] Tribe.

In the matter of the application for the enrollment of [redacted] Fisher, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on March 29, 1904, Jeff T. Canard appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Timmie Fisher as a citizen by blood of the Creek Nation.

The evidence shows that said Timmie Fisher died in May, 1899; that he was a full blood Creek Indian and that he is identified on the 1890 and 1895 authenticated tribal rolls of the Creek Nation.

The evidence further shows that said Timmie Fisher resided in the Creek Nation all his life.

It is therefore the opinion of the Commission that said Timmie Fisher, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Commissioner.

Dated at Muskogee, I.T.
MAY 24 1904

Creek En. 488.

Muskogee, Indian Territory, May 25, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Jeff T. Canard for the enrollment of Timmie Fisher, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Timmie Fisher, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-8-25.

8978

No. 488.

Muskogee, Indian Territory, May 11, 1904.

Jeff T. Conard,

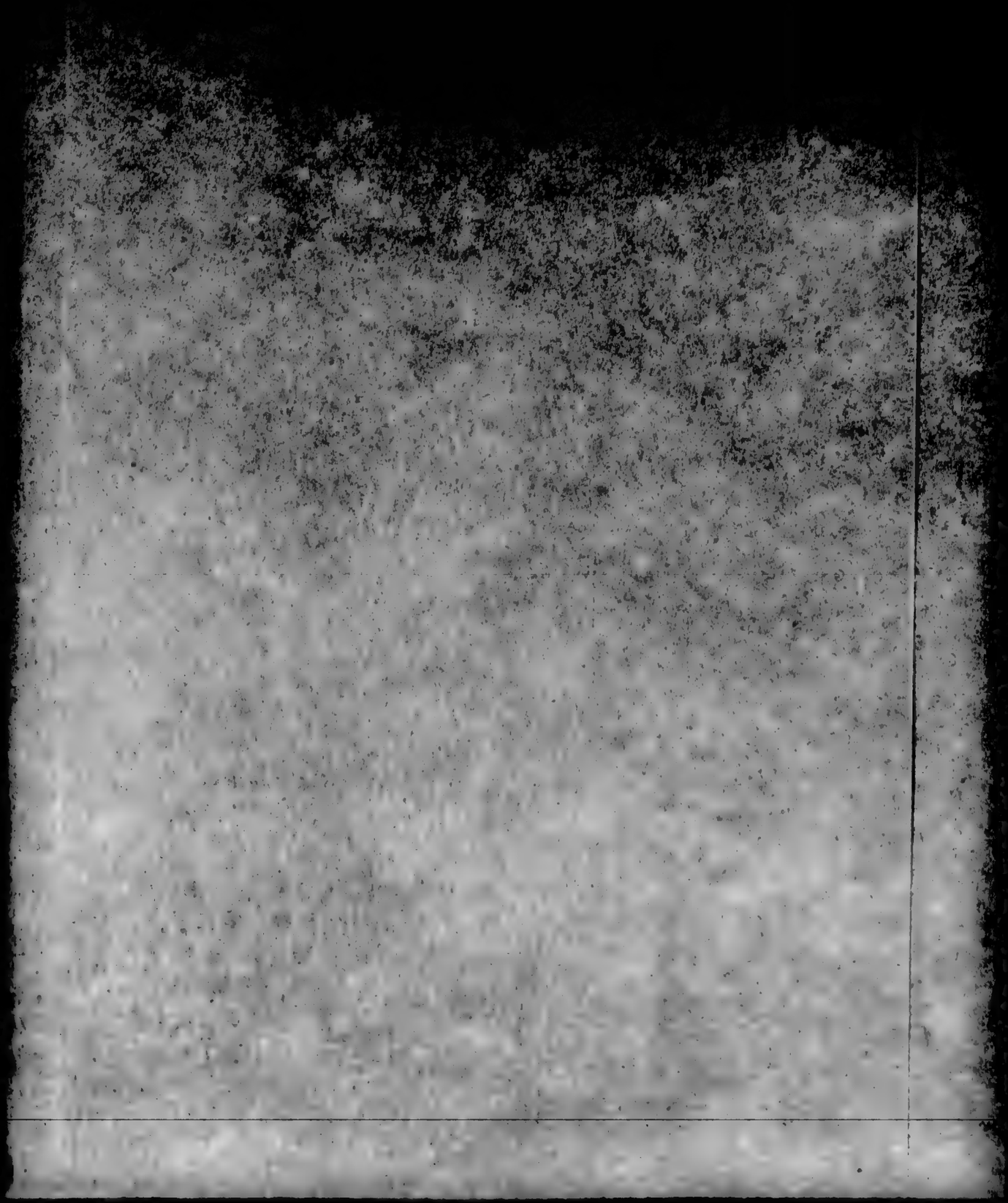
Wetumka, Indian Territory.

Dear Sir:

You are advised that the name of Timmie Fisher, deceased, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior June 29, 1904, and that application for a selection of land in the Creek Nation may now be made for him at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MARCH 21, 1904.

In the matter of the application for the enrollment of Lucy Barnett, deceased, as a citizen of the Creek Nation.

(Mr. Murphy, attorney for Creek Nation, was consulted about the case and stated that he did not wish to be present at the hearing.) Statement by Mr. Murphy: The Creek Nation has no evidence to offer.)

Tom Barnett being sworn testified as follows

Q What is your name? A Tom Barnett.
Q How old are you? A About 25.
Q What is your post office address? A Henryetta.
Q Are you a citizensofthe Creek Nation? A Yes sir.
Q Are you a fullblood Creek? A Yes sir.

Records of the Commission examined and Tom Barnett is regularly for enrollment on Creek Card Field No. 1416, approved roll No.4502.

Q For whom do you desire to make application for enrollment? A Lucy Barnett.
Q Is she living or dead? A She's dead.
Q Was she any relation to you? A My wife.
Q Was she known by any other names? A Yes sir; Lucy Fisher.
Q What was her xxxxx age when she died? A I don't know.
Q About how old was she? A About 19 I guess.
Q Was she a full blood Creek? A Yes sir.
Q What was her father's name? A Dave Fisher.
Q What was her mother's name? A Larney. Fisher.
Q What town did her father belong to? A Muskogee.
Q What town did her mother be,ong to? A Tuskegee too.

Records of the Creek Nation in the possession of the Commission examined and Lucy Fisher is identified on the 1890 authenticated roll of the Creek Nation, Tuskegee town, at page 211; and on the 1895 payroll at #233.

Lucy Fisher is listed on Old Creek Census card 1383 as the wife of Tom Barnett.

Q When did Lucy Barnett die? A September 12th.
Q What year? A 1899.
Q How do you know that? A I know it. I had the date of it.
Q Did you write it down in a book? A Yes sir.
Q Where is that book? A I haven't got it; I lost it.
Q Did you have a child by her by the name of Himer Barnett? AYes.
Q When was Himer Barnett born? A September 8, 1899.

There is on file with the Commission attached to Creek card 1416 a duly cerified copy of affidavit in the matter of the birth of Himer Barnett in which it is stated that he was born September 8,1899. Note on said card as follows: Lucy Barnett, nee Fisher, wife of Tom Barnett, died in September.

Q How long after the birth of Himer until Lucy died? A The mother lived four days after it was born.
Q Did you swear positively that Lucy Barnett for whom you are making application was Lucy Fisher and was the mother of Himer Barnett? A Yes sir.

Excused and Mary Barnett called and sworn testified as follows:
BY THE COMMISSION:
Q What is your name, age and post office address? A Mary Barnett, 80, Henryetta.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Are you a full blood Creek? A No; I am a Creek though.

Mary Barnett is regularly listed for enrollment on Creek Card Field No. 1413, approved roll No. 4506.

Q Do you know Tom Barnett who makes application for the enrollment of Lucy Barnett deceased? A Yes sir.
Q Did you know his wife Lucy? A Yes sir.
Q He had a wife named Lucy did he? A Yes sir.
Q What was her father's name? A Dave Fisher.
Q What was her mother's name? A Larney.
Q About how old was Lucy when she died? A I don't know; about 28--
Q She was 20 years old, was she? A Yes sir.
Q Did he have a child by her of the name of Himer? A Yes sir.
Q Do you know that Himer was her child? A Yes sir, I was right there.
Q How do you know that it was her child? A I seed it when it come to the world.
Q You visited there when the child was born? A Yes sir, same day.
Q Did you help wait on her? A Yes sir.
Q Lucy is dead , is she? A Yes sir.
Q Do you know of your own knowledge when Himer was born? A Just about day.
Q What day and month and year? A I don't know.
Q Do you know whether anybody had filed on their land before Himer was born- any Creeks? A I guess they did; we never filed right off and they was all filing.
Q How long after the birth of Himer before Lucy died? A Just about four days.

Excused and Katie Tiner called and sworn testified as follows:

BY THE COMMISSION:

Q What is your name, age and post office address? A Katie Tiner, a Henryetta, I am about 58.
Q Are you a citizen of the Creek Nation? A Yes sir.

She is regularly listed for enrollment on Creek card Field NO. 525, approved roll No. 1693.

Q Do you know Tom Barnett? A Yes sir.
Q Did you know whis wife? A Yes sir.
Q Wh t was her name? A Lucy Barnett or Fisher.
Q About how old was she when she died? A I don't know that.
Q Was she 20 years old? A I guessso; I know we n the baby died- I was there when the baby was three days old- and the mama died on the fourth day; that's all I know about it.
Q Did Lucy have a child named Himer Barnett? A Yes sir.
Q Who was Himer's father? A Tom Barnett here.
Q Were you there at Tom's house soon after Himer was born? A Yes, sir, I was there three days after Himer was born.

Q Was that the first time you were there? A Yes and I went back home and the next morning I heard he died; I lived just in sight of them there.
Q What was the cause of Lucy's death? A Took cold.
Q Was it the result of giving birth to Mimer? A Yes sir.

##########

Henry G. Haines being sworn on his oath states thatne stenographer to the Commission to the Five Civilized Tribes he reported the above case March 31,,1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 31st day of March, 1904.

Charles A. Sawyer

Notary Public.

J.B.S.

DEPARTMENT OF THE INTERIOR. No. 459.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lucy Barnett, deceased, as a citizen by blood of the Creek Nation.

[redacted]

The record in this case shows that on March 31, 1904, Tom Barnett appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Lucy Barnett, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said Lucy Barnett was born [redacted] and that she is identified on the 1895 pay roll of the Creek Nation and the 1890 authenticated tribal roll of said Nation.

It is, therefore, the opinion of the Commission that said Lucy Barnett, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

[redacted] THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

[redacted]

MAY 24 1904

COPY.

[redacted]

In the matter of the application for the enrollment of Lucy Barnett, deceased, as a citizen by blood of the Creek Nation.

O P I N I O N.

The record in this case shows that on March 31, 1904, Tom Barnett appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Lucy Barnett, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said Lucy Barnett died September 12, 1899; that she was about nineteen years old at the date of her death, and that she is identified on the 1895 pay roll of the Creek Nation and the 1890 authenticated tribal roll of said Nation.

It is, therefore, the opinion of the Commission that said Lucy Barnett, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

Commissioner.

Dated at Muskogee,
Indian Territory,
MAY 24 1904

IN RE
THE DEATH OF

Lucy Barnett

a citizen of the

Creek Nation.

Approved _____ 190__

_____
Commissioner.

1895 roll #233 Tuskegee
Ex Census Card #1389
Page 11 - 1890 roll Tuskegee

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Feb 6 1903
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lucy Barnett
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near
Henrietta, (Here insert name of postoffice.) Ind. Ter., and died on the 9th day of
September, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

I, Thomas Barnett, on oath state that I am 75
years of age and a citizen, by Blood, of the Creek Nation;
that my post office address is Wetumka, (Here insert name of post office.) Ind. Ter.; that I ~~am~~ was the
Husband (State relationship as: the father; an uncle; a cousin, etc.) of Lucy Barnett (Here insert name of deceased.),
who was a citizen, by Blood, of the Creek Nation;
and that said Lucy Barnett (Here insert name of deceased.) died on the 9th day of
September, 1899. Thomas Barnett

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 28th day of January 1903.

My Com Ex 4/5-1906 Jas R Ford
Notary Public

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Western District. }

We, David Barnett, Annie Beams, has it become, now citizen, on oath state that I am we are
~~years of age~~ and a citizen, by Blood, of the Creek Nation;
that ~~my~~ our post office address is Wetumka & Henryetta, (Here insert name of post office.) Ind. Ter.;
that I ~~was~~ were personally acquainted with Lucy Barnett (Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation;
and that said Lucy Barnett (Here insert name of deceased.) died on the 9th day of
Sept, 1899.

WITNESSES TO MARK:

(Must be Two Witnesses.) } Geo L Paige
J R Ford

David Barnett
Annie Beams
Charles W Beams

Subscribed and sworn to before me this 29th day of January 1903.

My Comm Ex 4/5-1906 Jas R Ford
Notary Public

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D. C. 7.

Muskogee, Indian Territory, January 7, 1904.

Thomas Barnett,

Wetumka, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your wife, Lucy Barnett, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of her death, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Creek No. 469.

Muskogee, Indian Territory, May 25, 1904.

W. W. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lucy Barnett, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Lucy Barnett, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-11-25.

Muskogee, Indian Territory, July 11, 1904.

Tom Barnett,

Honeyetts, Indian Territory.

Dear Sir:

You are advised that the name of your wife, Lucy Barnett, deceased, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior June 29, 1904, and that application for a selection of land in the Creek Nation may now be made for her heirs at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissio er in Charge.

[redacted]

In the matter of the application for enrollment of [redacted] as a citizen by blood of the Creek Nation.

John Thomas being duly sworn by Commissioner Mrs. Kerrick, official interpreter, testifies as follows:

Examination by the Commission:

Q What is your name? Age and post office address? A John Thomas, 34, Morse.
Q You are a citizen of the Creek Nation, Muskogee town, are you?
A Yes sir.
Q Do you know Willie Tulwar Micco? A Yes sir.
Q What relation was he to you? A My brother; no, he was my first cousin.
Q Is Willie living or dead? A Dead; he died last year sometime.
Q Has he been dead more or less than a year? A Not quite a year; I got a letter stating that he was dead.
Q Did that letter state when he died? A It was stated that he died on March 16.
Q Of the same year that you got the letter? A Same year; 1903.
Q Where did Willie Tulwar Micco live? A Cherokee Nation.
Q Was he married? A Yes sir.
Q Is his wife living? A I guess so; she was a Cherokee.
Q What is her name? A I don't know.
Q Did they have any children? A Two.
Q Do you know their names? A One was named Mary (or Mallie) but I don't remember the other.
Q By what name do they go in the Cherokee Nation? A I don't think they called them anything else.
Q Did Willie Tulwar Micco ever claim citizenship in the Cherokee Nation? A ~~Xxx xxxx~~ No sir.
Q Did he ever draw any money, do you know, from the Creek Nation in any of their payments? A I don't know; he drew with the Creeks.
Q Was he a full blood Creek? A Yes sir.
Q Do you know whether he ever made application for enrollment ~~xx~~ as a citizen of the Creek Nation? A Not that I know of.
Q Has he any brothers or sisters in the Creek Nation? A I am his only relative.
Q You are his nearest relative in the Creek Nation, are you? A Yes.

(The name of Willie Tulwar Micco is found on the 1895 omitted roll of the Creek Nation, page 37. He is listed on Creek card 3437(-in jacket.)

****

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that the above and foregoing is a full, true and correct

Subscribed and sworn to before me this 30th day of March 1896.

Charles H. Sawyer

Notary Public.

No. 660.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 9, 1904.

In the matter of the application for the enrollment of Willie Tulwar Micco, deceased, as a citizen by blood of the Creek Nation.

WILLIAM YAHOLA, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A William Yahola.
Q How old are you? A Thirty-three.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Nuyaka.
Q Did you know a member of your town named Willie Tulwar Micco? A Yes, sir.
Q Is he living? A He is dead.
Q How long has he been dead? mA He died in May of this year.
Q Where did he live when he died? A In the Cherokee Nation.
Q How old was he at the time of his death? A I think he was over forty.
Q Did he have a family? A He had a wife.
Q Do you know her name? A Malcche.
Q To what town did she belong? A Nuyaka.
Q Is she living? A Yes, sir.
Q Where does she live? A She is living in the Cherokee Nation.
Q What is her post office address? A Braggs.
Q Have you seen her recently? A I saw her at Okmulgee last Wednesday. She came there to draw her money as a Loyal Creek Claimant.
Q Has she any children? A No, sir.
Q How old is she? A About sixty years old.
Q Do you know whether or not she has taken her allotment in the Cherokee Nation? A The Dawes Commission has filed her arbitrarilly somewhere but I do not know whether in the Creek or Cherokee Nation.
Q Do you know whether Willie Tulwar Micco ever made application for enrollment as a citizen of the Creek Nation? A No, sir. He was a snake Indian--he did not concern himself about his citizenship or rights in the Creek Nation.
Q Did he ever draw money from the Creek Nation? A He and his wife, I think, participated in all of the Creek per capita Payments.
Q Has he any relatives in the Creek Nation? A He has a brother and an aunt.
Q What are their names? A His brother is named John Thomas and his aunt Cechethlee.
Q How long had he been living in the Cherokee Nation at the time of his death? A He had probably been living in the Cherokee Nation thirty years.

-------:O:-------

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 17 day of November, 1904.

Notary Public.

No. 499. L.P.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-10:-

In the matter of the application for the enrollment of Willie Tulwar Micco, deceased, as a citizen by blood of the Creek Nation.

-D E C I S I O N-

The record in this case shows that on March 28, 1904, John Thomas appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Willie Tulwar Micco, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had April 6, and November 9, 1904.

The evidence shows that the name of said Willie Tulwar Micco, deceased, is found on the 1898 Omitted Roll of the Creek Nation, and that he died subsequent to April 1, 1899.

The evidence further shows that said Willie Tulwar Micco, deceased, was a resident of the Indian Territory all his life.

It is, therefore, the opinion of the Commission that said Willie Tulwar Micco, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAR 1 1905

G.M.L. Cherokee R.B. 3765.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 4, 1907.

In the matter of the application for the enrollment of BESSIE MICCO as a citizen by blood of the Cherokee Nation.

JOHN ISRAEL, being first duly sworn by Chas. E. Webster, Notary Public, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A John Israel.
Q What is your age? A 38.
Q What is your post office address? A Braggs.
Q Are you a Cherokee by blood? A Yes sir.
Q Have you been employed by this office to obtain information relative to certain children of full blood Cherokees? A Yes sir.
Q Have you, in your memorandum book, any information concerning a child named Bessie Micco? A Yes sir.
Q What is the name of her father? A William Micco.
Q What is the name of her mother? A Lorinda.
Q Did you see this child? A No sir.
Q Did you find out about how old she is? A About 3 years old.
Q Are the parents of this child living together? A The father of the child is dead.
Q How long has he been dead? A I dont know.
Q Did he die before or after the birth of this child? A I dont know
Q You have no information whatever on that point? A No sir.
Q Have you any information as to the marriage of William and Lorinda Micco? A Yes sir.
Q Were they lawfully married? A No sir.
Q If they were married at all, it was according to Indian custom? A Yes sir.
Q Were they recognized in the community in which they lived as husband and wife? A Yes sir.
Q About how long did they live together before the death of William Micco? A 8 or 10 years.
Q It is your understanding, is it, that they were living together at the time of the birth of Bessie Micco? A I dont know anything about that.
Q What is the name of William Micco's father? A I dont know.
Q Did you find out the name of his mother? A No sir; she is a Creek citizen.
Q Was he a full blood Creek? A understand he was.
Q What is the name of Lorinda Micco's father? A Car-sose-lowry.
Q What is the name of her mother? A I dont know.
Q Is Lorinda Micco a Cherokee or Creek? A Cherokee.
Q Is she a full blood? A I think she is.
Q Is she opposed to the enrollment of her child? A No sir.
Q Did you leave with her a blank form of birth affidavit? A No sir.
Q Is this all your information in this case? A Yes sir.

(Witness excused).

The undersigned, being First duly sworn, [illegible] ographer to the Commissioners of the Five Civil[illegible] rectly reported the above and foregoing testimony, and that it is a full, true and complete transcript of her stenographic notes thereof.

Sarah Waters

Subscribed and sworn to before me this 8 day of February, 1907.

B. P. Reamer
Notary Public.

C.M.O.

Cherokee N. B. 3763

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Micco as a citizen by blood of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That on July 16, 1906, application was received at this office for the enrollment, as a minor citizen of the Cherokee Nation, of Bessie Micco under the provisions of Section two of the Act of Congress approved April 26, 1906 (34 Stat. 137). Further proceedings in the matter of said application were had at Muskogee, Indian Territory, February 4, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Bessie Micco, is the minor child of William Micco, deceased, a non citizen of the Cherokee Nation, and Lorinda Micco, a regularly enrolled citizen by blood of the Cherokee Nation; that the said Lorinda Micco belongs to the band of full blood Cherokees commonly known as "Night Hawks", is opposed to enrollment, and refuses to take any part in the matter of the enrollment of said Bessie Micco. The evidence further shows that the said Bessie Micco was born to her said parents March 1, 1903, and was living March 4, 1906.

Section two of the Act of Congress approved April 26, 1906, (34 Stat. 137), in part provides:

> "That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled."

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section two of the Act of Congress above noted, Bessie Micco is entitled to enrollment as a citizen by blood of the Cherokee Nation, and her application for enrollment as such is accordingly granted.

Commissioner

Dated at Muskogee, Indian Territory,

this FEB 20 1907

Cr.En.305-435.

Muskogee, Indian Territory, April 5, 1904.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Sir:

March 25, 1904, Billy Yahola made application for the enrollment of Mullie Micco and on the same day John Thomas made application for the enrollment of Willie Tulwa Micco, both as citizens by blood of the Creek Nation. A copy of the testimony in each case is herewith inclosed.

It appears that Willie Tulwa Micco was the husband of Milochee (Creek En. #305), whose Cherokee name is Nellie Ned, approved Cherokee Roll No. 21055. Milochee appears to be the mother of Mullie Micco.

You are requested to advise the Creek Enrollment Division whether application has been made for the enrollment of Willie Tulwa Micco and Mullie Micco, or either of them, as citizens of the Cherokee Nation and whether they, or either of them, are identified on the Cherokee tribal rolls.

Respectfully,

2HGH2

Commissioner in Charge.

(Copy)

FB

Tahlequah, Indian Territory, April 9, 1904.

D.C.C.

Commission to the Five Civilized Tribes,
(Creek Division),
Muskogee, Indian Territory.

Gentlemen:

This office is in receipt of Commission's letter of April 8 (Creek Nn. 208-188) enclosing copies of testimony in the matter of the applications for enrollment of Willie Miller and Willie Tulva Miller as citizens by blood of the Creek Nation. You state that it appears that Willie Tulva Miller, deceased, was the husband of one Millichee, whose name appears upon an approved roll of citizens of the Cherokee Nation opposite No. 41044 as Nellie Ned, and that said Millichee or Nellie Ned appears to be the mother of Willie Miller. You request to be advised whether application has ever been made for the enrollment of Willie Tulva [illegible] or Willie Miller as citizens of the Cherokee Nation, and whether or not their names appear upon the Cherokee tribal rolls.

In reply you are advised that the records of the Commission fail to show that any application has ever been made to it for the enrollment of any such persons as Willie Tulva Miller or Willie Miller as citizens of the Cherokee Nation, nor can their names be identified from the information given, upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission.

Respectfully,

C.R. Breckinridge.

Commissioner in Charge
Cherokee Land Office.

MT

[redacted]

Willie Mayes,

Campbell, Indian Territory.

Dear Sir:

March 26, 1904, John Thomas made application to the Commission for the enrollment of Willie Tuiwa Mayes as a citizen of the Creek nation, and on the same day Billy Tuhola made application for your enrollment as a citizen of said nation. Further evidence in these cases is desired.

You are requested to appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath relative to your right to enrollment as a citizen of the Creek Nation.

Respectfully,

Chairman.

Cr 88 489

Muskogee, Indian Territory, March 21, 1906.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Culwar Nicco (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no such protest has been made, said Willie Culwar Nicco (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JY'-f 1-11.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 8, 1905.

Willie Tulwa Micco,

Morse, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior May 23, 1905, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

Campbell S.T. 02

Dec the

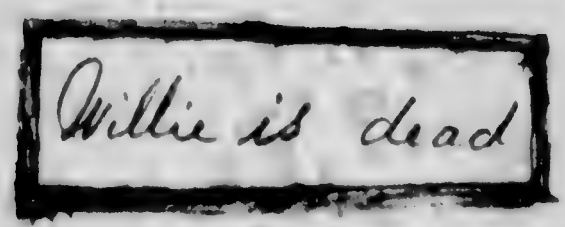
Mr John Thomas

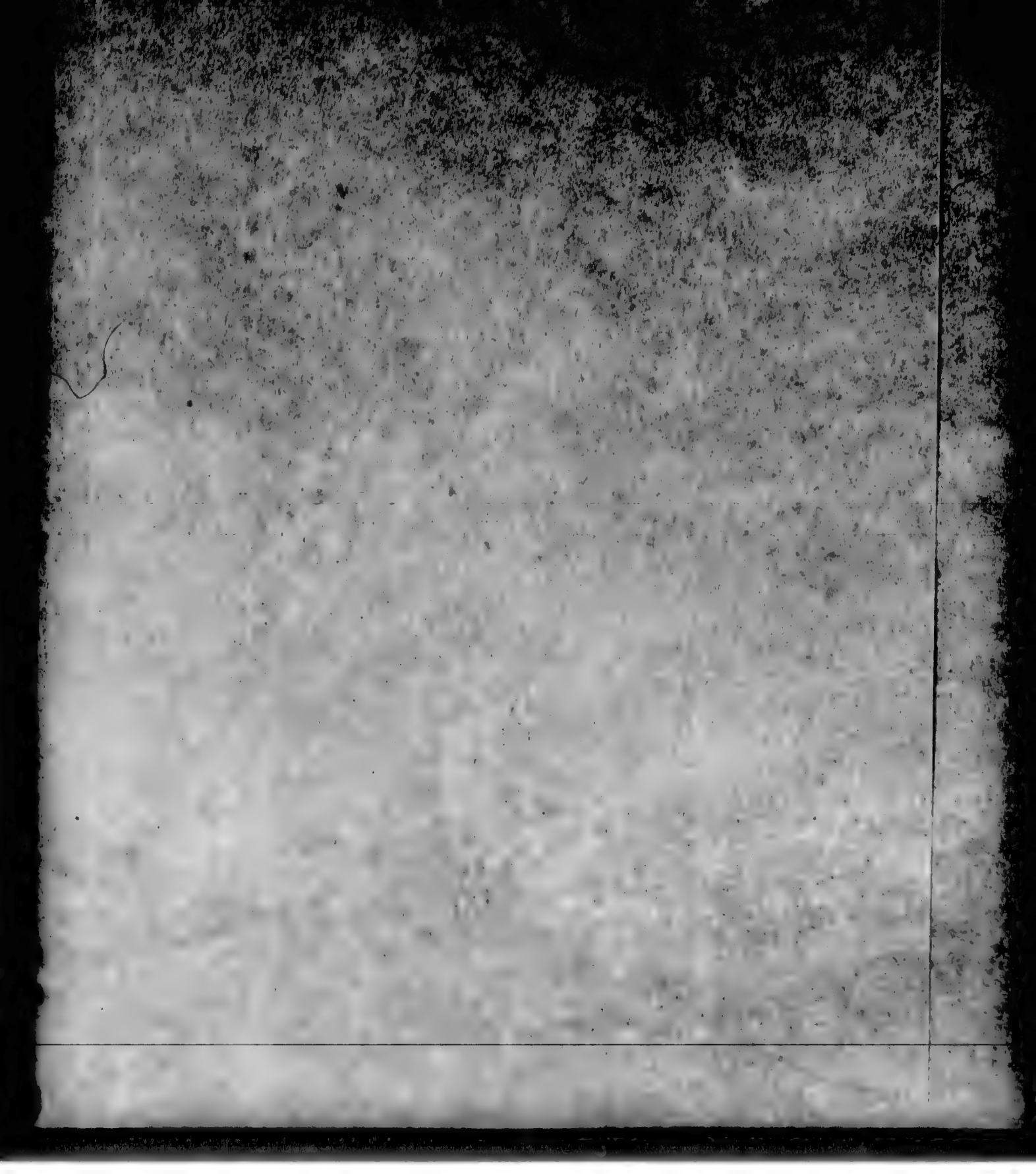
dear Brother

it is with Sorrow I take this opportunity to answer your ltr. mined the 12 of November Willie was not well when he recieved the letter and on Monday the 23 he taken bad Sick and he died on the 26 of Nov 1902 the rest of us is all well and the Neighbours is well also if you Cant come down to See about us you must rite a letter you must rite or come down Soon from

Lorinda Makko

and Mallie Makko


Willie is dead



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 8, 1904.

In the matter of an application for the enrollment of John R. Boling as a citizen by blood of the Creek Nation.

APPEARANCES: A.P.Murphy, attorney for Creek Nation.
Jesse Hall, attorney for applicant.

W.F.Boling being duly sworn testified as follows:

Examination by the Commission:

Q State your name, age and post office address? A W.F.Boling; 34; Mounds.
Q Are you a citizen of the Creek Nation? A Not by blood.
Q You are a citizen of the United States? A Yes sir.
Q Do you know Martha F. Boling? A Yes sir.
Q Is she your wife? A Yes sir.
Q Did she have a child to you by the name of John R. Boling? A Yes.
Q Have you an affidavit showing the date of the birth of John R. Boling? A Yes sir.

There is presented to the Commission duly executed affidavit in the matter of the birth of John R. Boling in which it is stated that he was born on the 19th of November, 1895.

The records of the Commission examined and it is found that Martha F. Boling is listed for enrollment on Creek Indian Card Field No. 1870, approved roll No. 5916; that she was admitted to citizenship in the Creek Nation by the Colbert Commission on September 17, 1896.

Q When was John R. Boling, for whom application is made now, born?
A November 19, I think, in 1895.
Q Before or after Martha was admitted to citizenship in the Creek Nation? A Before.
Q John R. Boling is living, is he? A Yes sir.

Examination by Mr. Murphy:

Q Is that all the children you have? A No, I have three more.
Q Name them. A Sopha Ola and Connie M. and the other is Walter.
Q When was Sopha born? A On the 13th day of December I think, 1897 as well as I remember.
Q Then John R. is older than Sopha? A Yes sir.
Q How does it come that you didn't enroll John R. when you enrolled Sopha? A They wouldn't let me; I tried it before.

By the Commission:

The records of the Commission further examined and it is found that John R. Boling is listed on Old Creek Card 3115, together with

-2-

his mother, Martha F. Ealing.

[redacted]

Henry G. Haims being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony On April 2, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haims.

Subscribed and sworn to before me this 4th day of April, 1904.

Charles H. Sawyer

Notary Public.

No. 461.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John R. Boling as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on April 2, 1904, W. F. Boling appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, John R. Boling, as a citizen by blood of the Creek Nation.

The evidence shows that said John R. Boling was born November 19, 1895; that he is the child of W. F. Boling, a citizen of the United States, and Martha F. Boling who was admitted to citizenship in the Creek Nation by the Colbert Commission on September 17, 1896.

The evidence further shows that the name of said Martha F. Boling is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, No. 5916.

Following the decision of the Department in the Serena Jackson Creek case, it is the opinion of the Commission that said John R. Boling should be enrolled as a citizen by blood of the Creek Nation in accordance with the acts of Congress June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.
MAY 24 1904

Muskogee, Indian Territory, July 12, 1904.

W. F. Boling,

Mounds, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, John R. Boling, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior June 28, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 12, 1904.

Lila Adams,

Choska, Indian Territory.

Dear Madam:

You are advised that your name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior June 28, 1904, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

Creek En. 461

Muskogee, Indian Territory, May 25, 1904.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of W. F. Boling, for the enrollment of his minor child, John R. Boling, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said John R. Boling will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

RGH-13-25.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. April 6, 1904.

In the matter of the application for the enrollment of Thomas [illegible] as a Creek Indian.

Appearances: A. P. Murphy, Attorney for Creek Nation.

Mollie Like being sworn testified as follows through Billy McCombs, sworn interpreter:

Examination by the Commission:

Q What is your name? A Mollie Like.
Q How old are you? A About forty.
Q What is your post office address? A Checotah.
Q Are you a full blood Creek Indian? A Yes sir.

Records of the Commission examined and it appears that the witness is listed for enrollment on Creek Indian card Field No.305 1 and that she is identified on the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, No. 8302.

Q Do you make application for the enrollment of Thomas Washington?
A Yes sir.
Q Are you his mother? A Yes sir.
Q What is the name of his father? A Isaac Washington.
Q Was Isaac Washington a Euchee? A Yes sir.

Records of the Commission show that Isaac Washington is listed for enrollment on Creek Indian Card Field No. 1761 and that his name is contained in the partial list of Creeks by blood approved by the Secretary of the Interior March 28, 1902, No. 8635.

Q Is Thomas Washington living? A Yes sir.
Q When was he born? A 5th day of March.
Q What year? A I don't know what year.
Q How old is he? A Three years and one month.
Q Do you know Celia Hill? A Yes sir.
Q Was she present when the child was born? A Yes sir.
Q Did you and Celia Hill go before a Notary Public and have an affidavit made out about this child? A Yes sir.
Q Did you ever go by the name of Mollie Coser? A Yes sir, once. She was living with a man by the name of Ceser then.

An affidavit heretofore filed relative to the birth of this child is made part of the record herein.

Knowsed and Shulda Bruner called and sworn testified as follows:

By the COMMISSION:

Q State your name, age and post office address? A Shulda Bruner, [illegible], Oklahoma.
Q Do you know a child named Thomas Washington? A Yes sir.
Q Does that child live with you? A Yes sir.
Q What is the name of its mother? A Mollie Lime, I guess.
Q How old do you think child? A I don't just tell exactly; I have to just guess it, pretty near about three years old; about three years old; pretty near it, though; I know that boy but I can't think of it.
Q Do you know what month the child was born in? A I don't know nothing about that month.
Q How long has the child been with you? A A little over two years.
Q Could the child walk when it came to you? A Yes sir, it is walking and running all around.
Q No; could it walk when you got him? A No, no; a little bit of a one; just a little bit of a one; his mother brought him up and he stayed at my house all through fall and summer and after the next spring come he was carried across the river a while and been down Redfork and come back to my place again.
Q Do you remember about the circumstance of the last Creek treaty? You heard of it at the time? A Yes.
Q Was this child born before this treaty or after? A I don't know.
Q Was the child born in the Spring or summer? A Spring; the first time I seen the child was about the 15th of June.
Q How old did the child appear to be then? A I can't tell; just a little fellow; it looked like about a month and a half.
Q Did you have a child named Benjamin Bruner? A Yes sir.
Q Was Tom Washington born before Benhamin Bruner died or after? A My baby died after Thomas was born.
Q Do you know about how long after? A I don't know.
Q But you know he was born before your boy died? A Yes.

The records of the Commission show that Benjamin Bruner died May 28, 1901.

##########

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 6th, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 7th day of April, 1904.

Charles H Sawyer

Notary Public.

No. [illegible]

IN THE MATTER OF THE [illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Thomas Washington as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 6, 1904, Millie Like appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Thomas Washington, as a citizen by blood of the Creek Nation.

The evidence shows that said Thomas Washington was born in the month of March, 1901, and was living at the date of the application herein.

The evidence further shows that said Thomas Washington is the child of Isaac Washington and Millie Like who are identified on the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, Nos. 5635 and 5302, respectively.

It is, therefore, the opinion of the Commission that said Thomas Washington should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.
MAY 24 1904

Creek No. [illegible]

Muskogee, Indian Territory, May 28, 1906.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Mollie Like for the enrollment of her minor child, Thomas Washington, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Thomas Washington will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-12-25.

No. 449.

Muskogee, Indian Territory, July 12, 1904.

Mollie Like,

Checotah, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Thomas Washington, is contained in the partial list of Creek minors by blood approved by the Secretary of the Interior June 28, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

IN RE
Application for Enrollment of
INFANT CHILD
Thomas Washington
as a citizen of the
Creek Nation.

Approved _____ 190_

_____
Commissioner.

Talihina Creek Card
No. 1761

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Jany 21, 1909
ACTING CHAIRMAN.

Filed Jany 21. 1909

DEPARTMENT OF THE INTERIOR.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Thomas Washington, born on the 12 day of March, 1901.
(Give name, date of birth.)
Father: Isaac Washington, a citizen of the Creek Nation.
Mother: Mollie Coser, a citizen of the Creek Nation.
Post-Office: Eufaula I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Mollie Coser, on oath state that I am 30 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful wife of Isaac Washington, who is a citizen, by blood, of the Creek Nation, that a male child was born to me on the 12 day of March 1901; that said child has been named Thomas Washington, and is now living.

Mollie Coser her x mark

WITNESSES TO MARK:
(Must be Two Witnesses.) Mrs I W. Gregory
Mrs J G Tibbs

Subscribed and sworn to before me this 17th day of January 1903.

Aug 1-1906

Thos. F. Trower
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

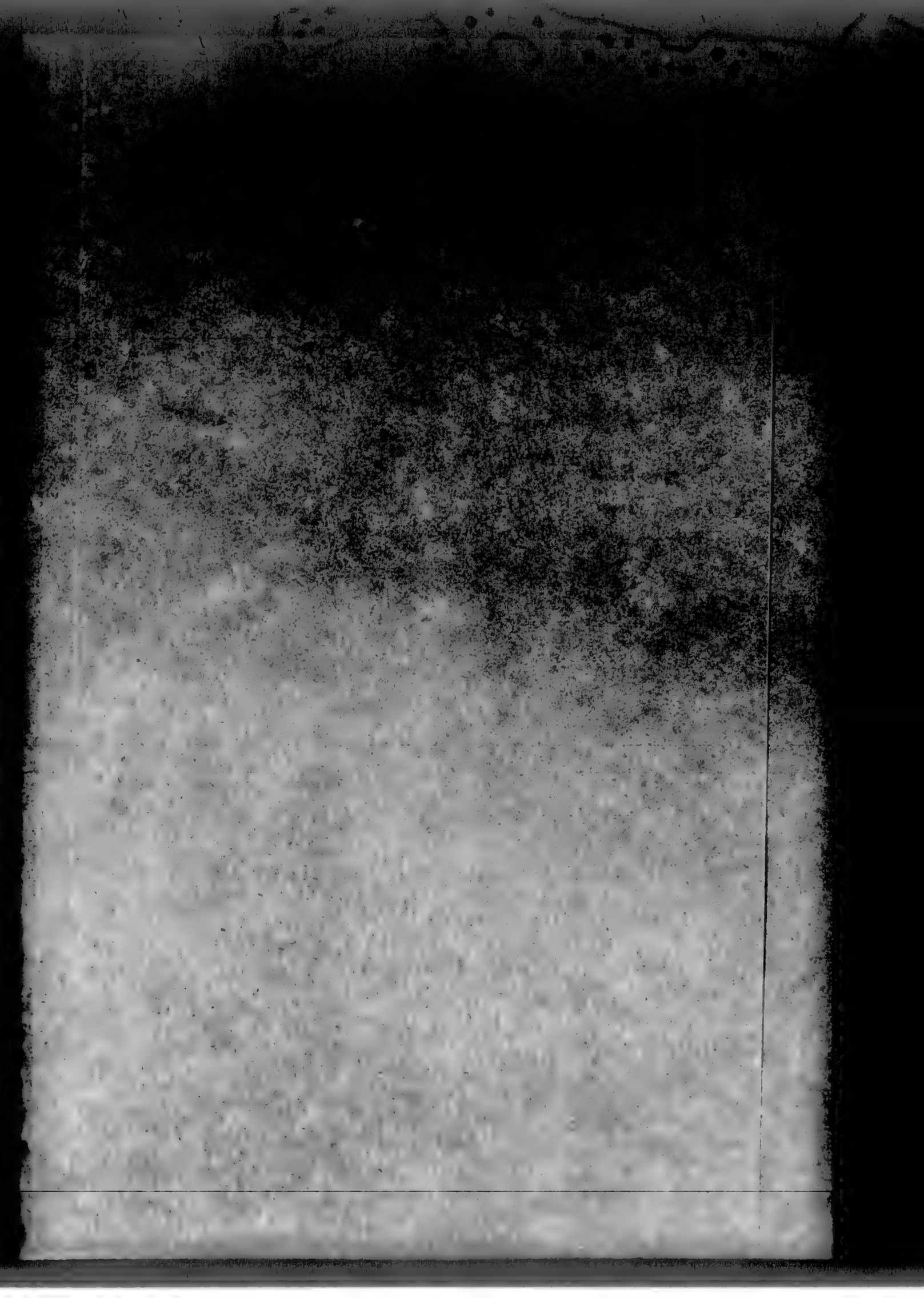
I, Celie Hill, a Midwife, on oath state that I attended on Mrs. Mollie Coser, wife of Isaac Washington on the 12 day of March, 1901; that there was born to her on said date a male child; that said child is now living and is said to have been named Thomas Washington.

Celie Hill her x mark

WITNESSES TO MARK:
(Must be Two Witnesses.) Mrs I W Gregory
Mrs J G Tibbs

Subscribed and sworn to before me this 17 day of January 1903.

Thos. F. Trower
Notary Public.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. April 6th, 1906.

In the matter of the application for the enrollment of Harley Carr as a citizen by blood of the Creek Nation.

APPEARANCE: A.P.Murphy, attorney for Creek Nation.

Thomas Carr being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Thomas Carr.
Q How old are you? A Twenty-two.
Q What is your post office address? A Checotah.
Q You are a citizen of the Creek Nation, are you? A Yes sir.

The records of the Commission examined and it appears that Thomas Carr is listed for enrollment on Creek Indian Card Field No. 784 and that he was identified in the partial list of Creek citizens by blood a proved by the Secretary of the Interior March 21, 1906, approved roll No. 3578.

Q Do you make application for the enrollment of Harley Carr? A Yes sir.
Q Is he your child? A Yes sir.
Q What is the name of his mother? A Mary McCuen.
Q Is Mary McCuen a citizen of the Creek Nation? A No sir.
Q Is she a citizen of any tribe in Indian Territory? A No sir.
Q Is Harley Carr living? A Yes sir.
Q With whom does he live? A With his mother.
Q Were you and Mary McCuen ever married? A No sir.
Q Have you recognized this child, Harley Carr as your child ever since it was born? A Yes sir.
Q How far apart did you and Mary McCuen live when this child was born? A About a mile.
Q Was it a matter of general information in the neighborhood at the time this child was born that you was the father? Was it generally understood that you was the father? A Yes sir.
Q And you admitted at that time or soon after that it was your child? A Yes sir.
Q When was Harley Carr born? A I can't say hardly.
Q How old is he? A He is somewhere near about four years.
Q You now recognize, and have ever since the child was born, that it is your child? A Yes sir.

EXCUSED and William Carr called and sworn, testified as follows:
By the Commission:

Q What is your name? A William Carr.
Q How old are you? A Thirty years old.

Q What is your post office address? A Cheesetah.
Q Are you a brother of Thomas Carr? A Yes sir.
Q Do you know a child named Harley Carr? A Yes sir.
Q What is the name of the child's mother? A Mary McCuen.
Q Who is the name of its father? A Thomas Carr.
Q Were Thomas Carr and Mary McCuen ever married? A No sir.
Q How old is Harley Carr? A He is four years old the 2nd day of April; they have got his age down in a bible; that's what they give me.
Q How far did you live from Mary McCuen when this child was born? A About a mile.
Q Has Thomas Carr recognized this child as his child ever since it was born? A Yes sir.
Q It was generally understood in the neighborhood that it was his child? A Yes sir.
Q State what you said to Thomas Carr about coming up to have his child enrolled? A He didn't care about coming up; he seemed a little timid; I kept insisting on it- I tried a year or two ago, and he finally concluded he would come up and have him enrolled, and acknowledge it, rather.
Q What reason did he give for not coming up? A None at all; he seemed to be timidI couldn't agree to get him to come up and acknowledge it.
Q Did he express any doubt about this being his child? A No sir, never has to me.

Excused and Thomas Carr recalled:

By the Commission:

Q Do you provide for that child in any way? A Nothing only get him clothes.
Q You bought the child clothing, did you? A Yes sir.

Examination by Mr. Murphy:

Q Are you married? A Yes sir.
Q When was you married? A Last November 26th.
Q Whendid you first see this child, Harley Carr? A I saw him right after he was born.
Q How long after? A About two weeks.
Q How did you come to go to see it? A I just went over there to see.
Q When did you first hear that the child wa born? A In about three days after he was born.
Q Did they send for you at the time itmwas born? A No sir.
Q Who first told you the child was born? A Its grandmother.
Q What did she say to you? A She just told me I had a fine baby boy over there.
Q What did you tell her? A I told her: "Is that so? I will be over to seeit."
Q You didn't tell her that she was mostaken about it; that it was not your child? A No sir.
Q Who did you first tell that that was your child? A I believe it was the grandmother that I first told.
Q Who did you ever tell in the neighborhood that it was your child? A I have told several; I can't say.
Q Did you ever live with Mary McCuen? A No sir.
Q When did you first buy it some clothes? A About three months ago

ter it was born.
Q What did you buy it? A Pair of shoes and a dress.
Q How often have you bought it clothes since A About three times.
Q When you don't support the child do you? A Not much.
Q Have you bought it any since you have been married? A No sir.
Q How old is Mary McCuen? A A Somewheres up in twenty.
Q Is she a citizen of the Creek Nation? A No sir.
Q When did you say that child was born? A Sometime in 1900; April I believe.
Q Do you know what day? A 22nd of April.
Q Then when she said it was the 23rd she was mistaken, wasn't she?
A I can't say; I don't know exactly myself.
Q Is she- the child living? A Yes sir.
Q How often did you ever visit that child since it was born? A I haven't been up there at all lately; I went up pretty often before I was married.
Q Did you take the clothes up yourself, or did you send them up?
A I took them up.
Q Fact is, you didn't commence to buy it any clothes until 1901, did you? A No sir.
Q You didn't begin to recognize that child as your own until after you ascertained that it could be enrolled? A Yes sir, I did.
Q Well, how long after you ascertained that it could be enrolled that you commenced to support it? A Well, he was about a year old, I reckon; I believe it was a year old when I intended to enroll it.
Q About a year old before you recognized him as your child, when you had found out you could enroll him? A No, then was when I thought about it.

By the Commission:

Q How soon after that child was born before you bought some clothing for it? A About two weeks, I bought one dress for him.

By Mr. Murphy:

Q How did you come to buy that? A I just took a notion.
Q Anybody ask you to? A No sir.
Q You didn't know whether it needed it or not? A No sir.
Q Is Mary McCuen married now? A No sir.
Q Is that child in the Nation or outside? A In the Nation.

By the Commission:
An affidavit heretofore filed in the matter of the birth of said Harley Carr is made part of the record herein.

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 6, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 7th day of April, 1904.

Charles Matthews

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Marley Carr, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on April 6, 1904, Thomas Carr appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Marley Carr, as a citizen by blood of the Creek Nation.

The evidence shows that said Marley Carr was born in the month of April, 1900, and was living at the date of the application herein.

The evidence further shows that said Marley Carr is the child of Thomas Carr whose name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, No. 3478, and Mary McCuen, a non-citizen of the Creek Nation.

It is, therefore, the opinion of the Commission that Marley Carr should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

July 12, 1904

No. 663.

Muskogee, Indian Territory, July 13, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Harley Carr as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Harley Carr will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HCH-5-13.

July 28

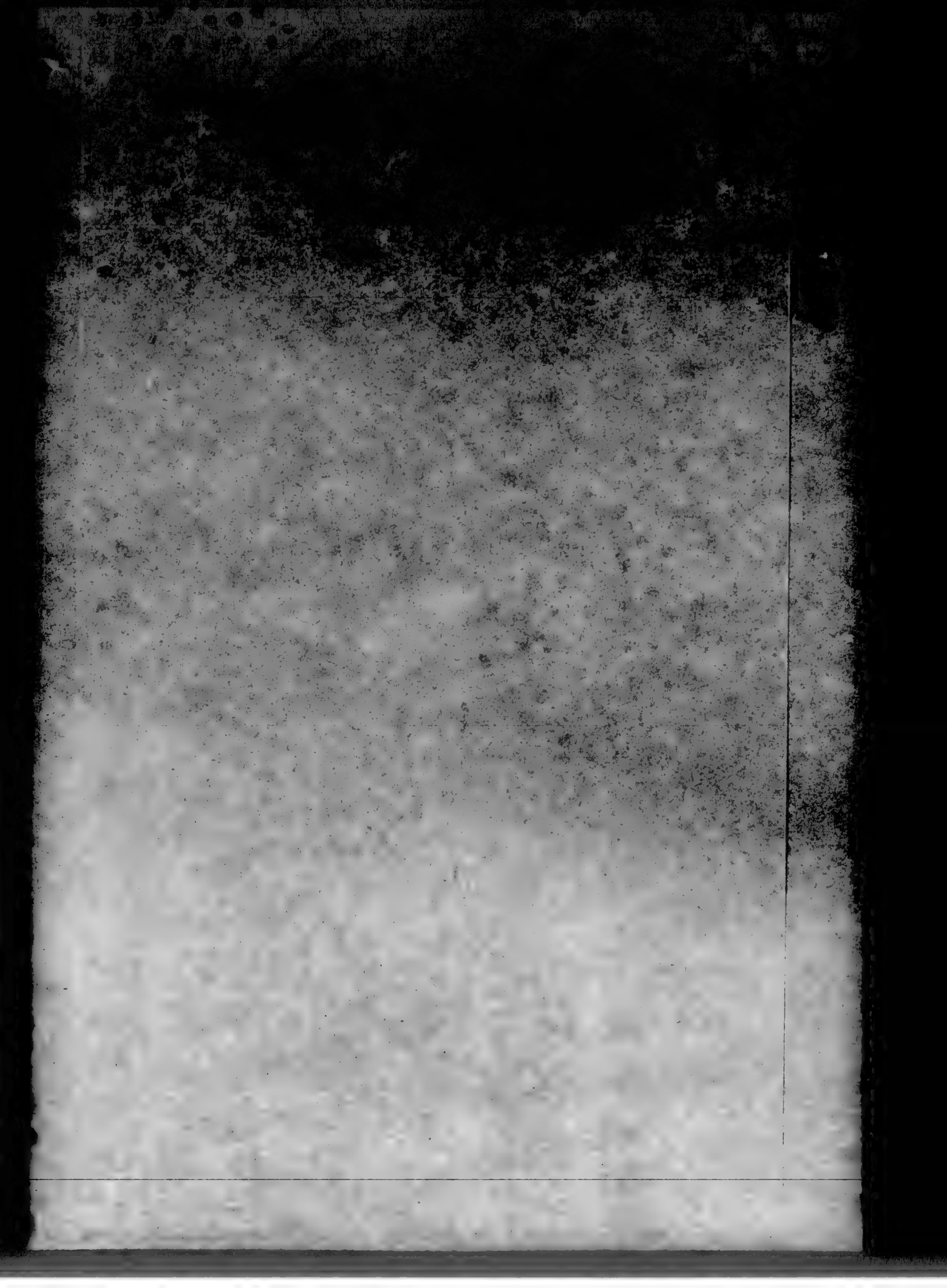
[illegible]

Dear Sir:

You are advised that the name of your minor child, [illegible], is contained in the [illegible] of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land in the Creek Nation may now be made for him at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. April 7, 1904.

In the matter of the application for the enrollment of Nellie West as a citizen by blood of the Creek Nation.

APPEARANCE: A.P.Murphy, att'y for Creek Nation.

Robert West being sworn testified as follows through Billy McCombs, sworn interpreter:

Examination by the Commission:

Q What is your name? A Robert West.
Q How old are you? A Thirty-four.
Q What is your post office address? A Morse.
Q Do you make application for the enrollment of Nellie West? A Yes sir.
Q Is she living or dead? A Dead.
Q Is she your child? A Yes sir.
Q What is the name of the child's mother? A Parsinder West.

The records of the Commission examined and it appears that Robert West is listed for enrollment on Creek Indian Card Field No. 1333 and that his name is contained in the partial list of Creeks by blood approved by the Secretary of the Interior March 13, 1902, No. 4254; it further appears that Parsinder West is listed on Card Field No. 1446, and her name contained in partial list of Creeks by blood approved by Secretary of Interior March 13, 1902, Number 4589.

Q When was Nellie West born? A H July 26th.
Q What year? A 1900.
Q How old was she when she died? A About five years old; 4 or 5.
Q How long has the child been dead? A Died last year.
Q What month? A October.
Q How old was the child when she died? A He said he thought the child was about 4 years old when she died.
Q Have you a child named Phenie? A That's an older sister of this other one;yes sir; that's my child.
Q Phenie is dead, isn't she? A Yes sir.
Q Was nellie born before Phenie died? A He don't know; he says he wasn't there when the child was born.
Q He and the mother of this child have separated, haven't they? A Yes sir.
Q Were you separated when Nellie was born? A Yes sir; before.
Q And the mother had both of the children, had she? A Yes sir.
Q How far did you live from her? A About 7 miles.
Q Qnd you don't know whether Nellie was born before Phenie died? A No, I don't.

Examination by Mr. Murphy:

Q Does he know when Phenie died? A He says he did know but has forgot about it.
Q He was there wasn't he? A He says he wasn't present.
Q Was he at the funeral? A No.
Q How long afterwards before he was there? A He got there before a week.
Q Was Nellie living then, when he got there? A She was not there.
Q How long has Nellie been dead? A Not quite a year yet; died last year sometime.

Excused and Billy Yahola called and sworn, testified as follows thro8 Billy McCombs, sworn interpreter:

Examination by the Commission:

Q State your name, age and post office address? A Billy Yahola, 34, Morse.
Q Do you know Robert and Parsinder West? A Yes, well acquainted with them.
Q Did you know a child of theirs named Nellie? A Yes sir.
Q Did you know a child of theirs named Phene? A Yes sir.
Q How far do you live from Parsinda West? A About 3 miles.
Q Was Nellie West born before Phenie West died or after? A He says it was after Phenie died.
Q How long after? A The same year.
Q How long has Nellie West been dead? A It may be six months or so
Q About how old was she when she died? A About 3 years or more.

An affidavit heretofore filed relative to the birth of Nellie West is made part of the record herein.

##########

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes reported the above and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 8th day of April, 1904.

Charles K. Sawyer

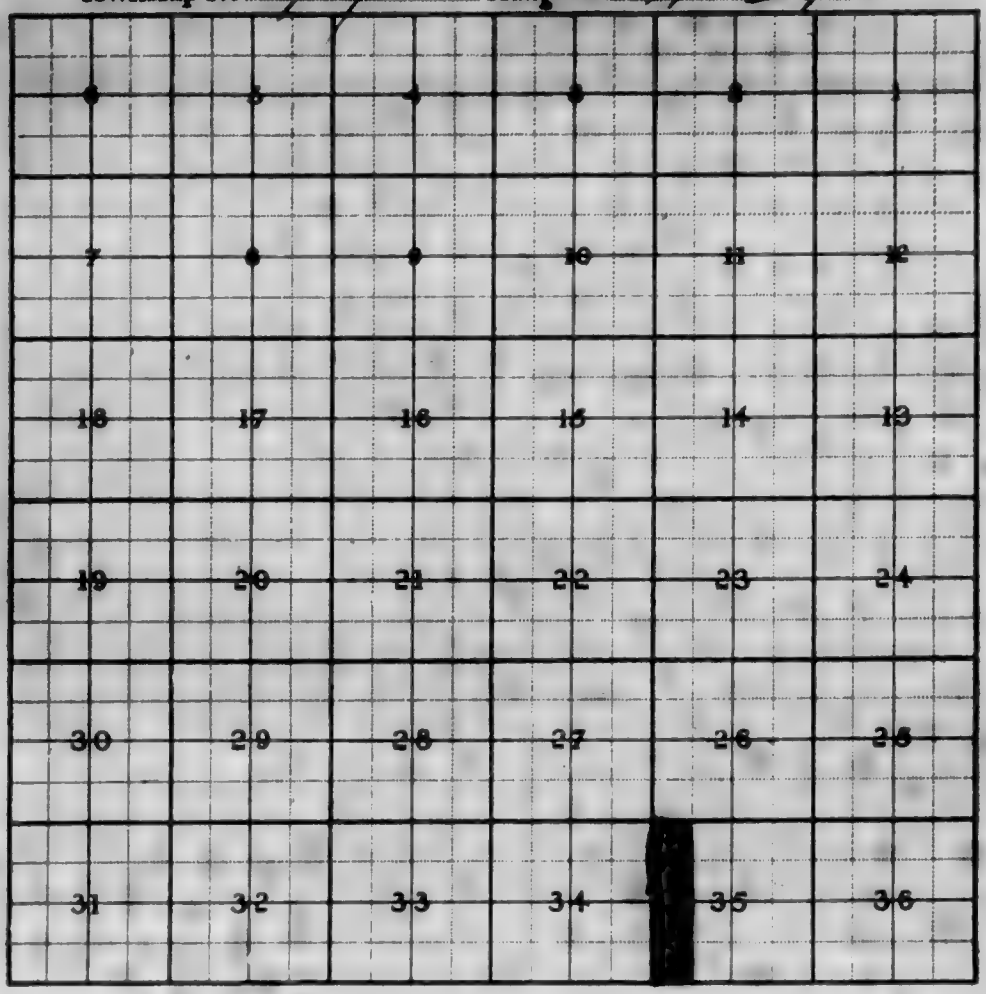
Notary Public.

DEPARTMENT OF THE INTERIOR.

Commission to the Five Civilized Tribes.

_____ Nation.

Township No. 14 Range No. 11 E.



No. 466.

[redacted] 3018

In the matter of the application for the enrollment of Nellie West, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 7, 1904, Robert West appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased child, Nellie West, as a citizen by blood of the Creek Nation.

The evidence shows that said Nellie West was born about July, 1900, and died in the month of October, 1903.

The evidence further shows that said Nellie West was the child of Robert West and Parsinger West whose names are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1903, Nos. 4284 and 4285, respectively.

It is, therefore, the opinion of the Commission that said Nellie West, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the act of Congress, June 30, 1902 (32 Stat 500), and it is so ordered.

Commission to the Five Civilized Tribes.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.

MAY 24 1904

Creek En. 464

Muskogee, Indian Territory, May 25, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Robert West for the enrollment of his minor child, Nellie West, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Nellie West, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

RGH-C-26.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., April 7, 1904.

In the matter of the application for the enrollment of Jonache Deere as a citizen by blood of the Creek Nation.

Appearances: A. P. Murphy, for Creek nation.

Billy Yahola being sworn testified as follows through Billy Megnbs, sworn interpreter:

Examination by the Commission:

Q What is your name, age and post office address? A Billy Yahola, Morse, 34".
Q Do you know Jonache Deere and Eliza Deere? A Yes sir.
Q Is Eli-a Deere the wife of Mose Deere? A Yes sir.
Q Who is Amos? A His son.
Q What town does Eliza belong to? A Nuyaka.
Q Did that child die before the Creek land office opned or after?
A It was after the land office opned.
Q You presented to me a While ago a paper upon which there is writing relative to the birth and death of Jonachee Deere; where did you get the information that is on this paper? A It was handed to me by Mose Deere; he says that Mose Deere gave him these names because he received a notice from this office and he wanted to know what he had to do according to th notice and he got this man to find out what he wanted to do in order to take a message back to Mose Deere.
Q Did Mose Deere tell you that this gave the dates of the birth and death of that child? A He says Mose got this from the church record which they keep and by sending the record there they wanted to know if they would have time to enroll him.

It appears from the paper presented by the witness that Jonachee Deere was born April 16, 1898 and died January 25, 189[illegible]. Same is marked Exhibit "A" and made part of the record herein.

The records of the Commission show that Eliza Deere was listed for enrollment on Creek Indian Card, field No. 1215 and her name is contained in partial list of Creeks by blood a proved by Secretary of Interior March 13, 1903, No. 4196.

An affidavit heretofore filed relative to the birth and death of Jonache Deere is made part of the record herein.

Henry G. Haines being sworn on his oath states that he stenographer to the Commission to the Five Civilized Tribes he reported the above and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 8th day of April, 1904.

Chas. D. Severson

Notary Public.

[redacted]

[redacted], being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Name Doore.
Q How old are you? A Between thirty-five and thirty-eight years old.
Q What is your post office? A Okmulgee.
Q Did you have a child named Jumpsher Doore? A Yes, sir.
Q What is the name of its mother? A Sikey Doore.
Q Is Jumpsher Doore living or dead? A Dead.
Q How old was he when he died? A The child was about a year old.
Q When did he die? A I have the record at home but have none for it.
Q When will you have the record here? A Tomorrow.
Q We will be here Monday and you bring the record in then? A All right.

-------0-------

I, D. C. Staggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Staggs

Subscribed and sworn to before me this 4 day of [redacted] 1908.

Charles [redacted]
Notary Public

[illegible]

[illegible] being duly sworn, testified as follows:

Through Alex [illegible] Official Interpreter:

By Commission:

Q What is your name? A [illegible]

Q How old are you? A I don't know my exact age.

Q What is your post office? A [illegible]

Q Are you a citizen of the [illegible] Nation? A Yes, sir.

Q Did you ever have a child named [illegible]? A Yes, sir.

Q What is the name of [illegible]? A [illegible]

Q Is [illegible] living or dead? A [illegible]

Q When was he born? A I have the record here.

The witness presents what he claims is the record of the [illegible] to the Official Interpreter for translation, and he translating the same as follows:

"[illegible] was born April [illegible], 1890 and died January [illegible], [illegible]"

Q Is that a correct record of the date of the birth and death of [illegible]? A Yes, sir, that is the correct record.

The paper is returned to the witness.

-------:0:-------

I, D. C. [illegible], on oath state that the above and foregoing is a true and complete transcript of my stenographic notes in [illegible] said cause on said date.

[signature]

Subscribed and sworn to before me this [illegible] day of [illegible]

[signature]

Notary Public.

[redacted]

-ORDERED-

[redacted]

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Tolsona Deere, [redacted] as a citizen by blood of the Creek Nation and that his application for his enrollment as such should be denied, and it is so ordered.

[redacted]

Chairman.

Commissioner

C. R. [redacted]

Commissioner.

Muskogee, Indian Territory,
FEB 3 - 1905

Muskogee, Indian Territory, [illegible]

W. A. Hott,

Attorney for the Creek Nation.

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jonache Deere (deceased) as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

JYM-8-65.

[redacted]

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Jenache Doore (deceased) as a citizen by blood of the Creek Nation, including the decision of the Commission, dated February 8, 1906.

Respectfully,

Tams Bixby,

Chairman.

Through the
Commissioner of Indian Affairs.

JIM-8-26.

Copy.

Creek No 648

Muskogee, Indian Territory, February 8, 1900.

Rose Deere,

Okfuskee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Jonache Deere (deceased) as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register.
JYH-8-84.

Refer in reply to the following
[illegible] 11842-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 8, 1905, transmitting the record of the application for the enrollment as a citizen by blood of the Creek Nation of Jonache Deere (deceased).

February 3, 1905, the Commission decided adversely to the application.

The record shows that Jonache Deere died prior to April 1, 1899.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

C.F.Larrabee,
Acting Commissioner.

M.M.M.
W.

[illegible]

[illegible]

[illegible], March 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 3, 1905, you transmitted the record in the matter of the application for the enrollment as a citizen by blood of the Creek Nation of Jonache Deere, deceased, including y our decision dated February 3, 1905, rejecting said application.

Reporting February 16, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

The Department concurs in said recommendation and your decision is approved.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) E.A.Hitchcock,

Secretary.

1 inclosure.

Muskogee, Indian Territory, March [illegible], 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 16, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 3, 1905, denying the application for the enrollment of Jonache Deere (deceased) as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Mose Doore,

Okfuskee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 16, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 3, 1905, denying the application for the enrollment of your minor child, Jonache Doore (deceased) as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

[redacted]

In the matter of the application for the enrollment of Jimmie Willis as a Creek freedman.

John Willis being duly sworn, testified as follows:

Examination by Commission:

Q What is your name? A John Willis.
Q How old are you? A About 26.
Q What is your post office address? A Bearden.
Q Do you apply for the enrollment of [redacted] Jimmie Willis?
A Yes sir.
Q How old is he? A Three years old.
Q Are you his father? A Yes sir.
Q What is the name of his mother? A Tillie Willis.

Records of the Commission examined and it appears that John Willis is listed for enrollment on Creek freedman card No. 1396, and that his name is contained in the partial list of Creek freedmen approved by Secretary of the Interior March 28, 1902, No. 4689.
Q Is Tillie Willis a citizen of the Creek Nation? A No sir, a Seminole.
Q When was Jimmie Willis born? A In 1900 as near as I can come; no, it was 1901 I believe.
Q Do you know the date of his birth? A Yes sir; the 10th of April.
Q Is he your oldest child? A No sir; I have another child by the name of Elnora.
Q Is she enrolled as a Seminole? A No,sir, she's a Creek, but by a woman that's dead.
Q How old is Elnora? A About 5 years old; I think as near as I can come.
Q How much older is Elnora than this child? A About 2 years older.
Q Do you know when Elnora was born? A No sir, not just exactly.
Q About? What month was she born in? A I don't know exacly; her mother tended to that; it was hers.
Q Did you ever make a record of the birth of this child, Jimmie, ever write it down in a book? A No sir, nothing any more than that from the time I had to come down here and juust got an affidatit of it and brought it here.
Q Have you a sister named Gracie? A Yes sir.
Q Is she married? A Yes sir; now.
Q What is the name of her husband? A She was married and her husband had died- by the name of Henry Franklin- and since he died she has married Robert Williams.
Q Has she got any children? A Yes sir.
Q What are their names? A Rufus and Jenatta Sango; that's all that's enrolled, but she has one by the name of Annie; she's 2 years old.
Q This is Jimmie you have here with you? A Yes sir.

Excused and Tillie Willis called and sworn testified as follows:
By the Commission:
Q What is your name? A Tillie Willis.
Q How old are you? A Thirty-six.

Q What is your post office address? A Bearden.
Q [illegible] you the [illegible] A Yes sir.
Q [illegible] old is [illegible] yesterday.
Q [illegible] Yes sir.
Q [illegible] with you? A No sir.
Q [illegible] Yes sir.
Q [illegible] was present when the child was born? A This lady here; Dinah [illegible]
Q What is it that you haven't tried to have this boy enrolled before? A I didn't thought I could; they have such curious laws I didn't know.

Excused and John Willis recalled:

Q Why is it you haven't tried to have this child enrolled before? A I have tried before now; I have been here; I was sent back over a year ago now; I filled an affidavit; I brought another and I went and filled it and brought it back; they told me I had to go back and have another filled,- that that was too old; and I sent it back and I brought it back and they told me to bring the mother and mid-wife, and perhaps the child if it was necessary.
Q Do you remember the first Creek treaty they had? A Yes sir, I have heard of it- I can't read or nothing like that; I remember them talking about it.
Q Was this child born before that treaty or after? A My first knowing of it; I come to the election they called on the new constition; that might be it.
Q No, that's not it. You don't remember about that? A No sir, I have heard about them councilling over there a whole lot.
Q How long ago was that? A About 5 or 6 years ago.

Excused and Dinah Eastman, called and sworn, testified as follows:

By the Commission:

Q What is your name? A Dinah Eastman.
Q How old are you? A I don't know.

Appears to be about 60.

Q What is your post office address? A Bearden.
Q Do you know John Willis and his wife Tillie? A Yes sir.
Q Do you know a child of theirs named Jimmie? A Yes sir.
Q Were you present when that child was born? A Yessir.
Q How old is that boy? A About 3 years old I guess; three years old yesterday.
Q How do you know that? Is that what the mother told you? A No sir I knew it.
Q Have you talked to the father and mother about the date of the birth of this child before you came up here? A No sir.
Q What did they tell you they wanted you to come up here for? A They had me up to Bearden.
Q What did they want you to come here for? A They wanted me to be a witness.
Q Didn't they ask you when the child was born? Didn't you talk that over with them, in order to fix the date of the child's birth? A Yes sir.

[redacted], that the child

[redacted] claimed for it

[redacted] birth of said

[redacted]

Henry G. Haines being sworn says that he was stenographer to the Commission to the Five Civilized Tribes and reported the above case April 11th, 1904, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

Henry G. Haines.

Subscribed and sworn to before me this 11th day of April, 1904.

Charles H. Lawyer

Notary Public.

807

No. 466.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jimmie Willis as a Creek freedman.

D E C I S I O N.

The record in this case shows that on April 11, 1904, John Willis appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Jimmie Willis, as a Creek freedman.

The evidence shows that said Jimmie Willis was born April 10, 1901 and was living at the date of the application herein.

The evidence further shows that said Jimmie Willis is the child of John Willis whose name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, No. 4689, and Tillie Willis, a citizen of the Seminole Nation.

It is, therefore, the opinion of the Commission that said Jimmie Willis should be enrolled as a Creek freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

MAY 24 1904

Creek Enr. 366

Muskogee, Indian Territory, May 25, 1904.

W. T. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of John Willis for the enrollment of his minor child, Jimmie Willis, as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Jimmie Willis will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Chairman.

MMM-7-RH.

Jan 19

Jn 1905

Muskogee, Indian Territory, July 13, 1896.

John Willis,

Dearden, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, James Willis, is contained in the partial list of Creek freedmen approved by the Secretary of the Interior June 28, 1896, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., APRIL 18, 1904.

In the matter of the application for the enrollment of Mary Barnett as a Creek Freedman.

William Thornton being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A William Thornton
Q How old are you? A I will be 40 next birthday.
Q What is your post office address? A Fare.
Q Do you make application for the enrollment of Mary Barnett as a Creek Freedman? A Yes sir.
Q What is the name of her father? A Joe Barnett.
Q Is Joe Barnett a citizen of the Creek Nation? A Yes sir.
Q What is the name of Joe Barnett's father? A Ben Barnett.
Q What is the name of his mother? A Dinah Barnett.
Q What town does Joe Barnett belong to? A Canadian Colored.
Q Has Joe Barnett a wife? A Yes sir.
Q What is her name? A Maria.

The records of the Commission examined and it appears that Joseph Barnett is listed for enrollment on Creek Freedman card field No. 88, and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 18, 1902, No. 105.

Q What is the name of the mother of Mary Barnett? A Mettie Swain.
Q Is she a citizen of the Creek Nation? A No sir.
Q Is she a citizen of any tribe in Indian Territory? A No sir.
Q Are the father and mother of this child living? A Yes sir.
Were they ever married? A No sir.
Q In this child in your possession? A Yes sir.
Q How old is this child? A Will be 8 years old this coming October sometime.
Q How long has the child been in your possession? A It was about a year old when I taken it.
Q Have you had it ever since? A Yes sir.
Q The child is living, is it? A Yes sir.
Q Was the child given to you by its mother??A Yes sir.
Q Do the father or mother either of them exercise any control over the child? A No sir.
Q You are not a citizen of the Creek Nation? A No sir.
Q Is your wife a citizen? A Yes sir.
Q What is her name? A Rachel Thornton.

(This case is continued for further evidence and the applicant is advised that it will be necessary for him to have the father of the child before theCommission in order that he may give testimony in the case.)

Henry C. Maine being sworn on his oath states that as Stenographer

[redacted]

Henry G. Haines.

Subscribed and sworn to before me this 16th day of April, 1906.

Charles D. Sawyer

Notary Public.

[redacted]

In the matter of the application for the enrollment of Jno Barnett as a Creek Freedman.

PARE TURNER, being duly sworn, testified as follows:

By Commission:

What is your name? A Pare Turner.
How old are you? A About eighty.
What is your post office address? A Pare, I. T.
Are you the Town King of Canadian Town? A Yes, sir.
Do you know Jno Barnett? A Yes, sir.
Do you know a child that is living with William Thornton, named Mary? A I don't know its name.
You are well acquainted with Jno Barnett are you? A Yes, sir, pretty well.
Have you ever heard him say anything about this child as to whether he is the father of it, I mean Mary? A [illegible]
Will you, just state, as near as you remember, what he said? A [illegible] I remember [illegible] about him being the father but he don't [illegible]
He testified in the town [illegible] A Yes, sir.
He testified in the town [illegible] A [illegible]
And you did [illegible] A [illegible]
[illegible] A [illegible]
Did you tell [illegible] William Thornton had been to him to get him to [illegible] A Yes, sir.
And you refused to recognize the child? A Different it.
Does he ever come to Muskogee? A Yes, sir, he does [illegible]
[illegible]
I wish you would tell him that the next time he comes to Muskogee to come into the office and ask about this case? A I will.

.....(0).....

I, D. S. Rogers, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. S. Rogers

Subscribed and sworn to before me this [illegible] day of [illegible] 1904.

[illegible]

[redacted]
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Pare, I. T., December 7, 1904.

In the matter of the application for the enrollment of Mary Barnett as a Creek Freedman.

JOSEPH BARNETT, being duly sworn, testified as follows:

BY COMMISSION:

Q What is your name? A Joseph Barnett.
Q How old are you? A Thirty-three.
Q What is your post office address? A Pare.
Q Are you a Creek Freedman? A Yes, sir.
Q To what town do you belong? A Canadian Colored.
Q Do you know a child living with William Thornton, named Mary? A Yes, sir.
Q What is the name of that child's mother? A Mattie Swain.
Q Who is the father of that child? A I couldn't tell you.
Q Are you the father of that child? A No, sir.
Q Were you ever married to Mattie Swain? A No, sir.
Q Did you and Mattie Swain ever live together as man and wife? A No, sir.
Q Has William Thornton ever been to you to try to get you to acknowledge that you are the father of this child? A Yes, sir.
Q What did you tell him? A I told him I would not have anything to do with it because it was not my child and I could not acknowledge some body else's child.
Q You have never, at any time, recognized this child as being yours? A No, sir.
Q Did you ever have any relations with the mother of this child? A No, sir.
Q Have you ever had sexual intercourse with Mattie Swain, the mother of this child? A No, sir.
Q Has the mother ever tried to get you to acknowledge the child as being yours? A No, sir.
Q Who do you think is the father of the child? A The man that raised it.
Q Who is that man? A William Thornton. He has taken a lot of pains in raising it.
Q Is Mattie Swain a citizen of the Creek Nation? A No, sir.
Q Is William Thornton a citizen of the Creek Nation? A No, sir.

---oo0oo---

I, D. C. Skaggs, on oath State that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs.

Subscribed and sworn to before me this 19 day of December, 1904.

Ex-officio

Notary Public.

No. 467. D.C.S.

[redacted] vs. [redacted]

-:0:-

In the matter of the application for the enrollment of Mary Barnett as a Creek freedman.

-:D E C I S I O N:-

The record in this case shows that on April 18, 1904, William Thornton appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Mary Barnett as a Creek freedman. Further proceedings were had October 22, and December 7, 1904.

The evidence shows that said Mary Barnett was born subsequent to the making of the roll of the Creek Nation, and it does not appear that she is the child of a citizen of the Creek Nation.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Mary Barnett as a Creek freedman, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

JUN 14 1905

Cr.En.467.

Muskogee, Indian Territory, June 27,1900.

William Thornton,

Pare, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Barnett as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.
Mc-6-27-00.

Cr.No. 997.

Muskogee, Indian Territory, June 27,1902.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Barnett as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

ZM-6-27-02.

Chairman.

Muskogee, Indian Territory, June 27,1906.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Mary Barnett as a Creek Freedman, including the decision of the Commission, dated June 14,1906.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

LM-6-27-40.

Refer in reply to the following
Land
50163-1905

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington. July 20,1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 27, 1905, transmitting the record of the application made April 13 ,1904, for the enrollment as a Creek freedman by William Thornton for Mary Barnett.

June 14, 1905, the Commission decided adversely to the application.

The record shows that Mary Barnett was born subsequent to the making of the 1895 Pay Roll of the Creek Nation and it does not appear that she is the child of a citizen of the Creek Natio

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

C.F.Larrabee
Acting Commissioner.

W M M
W

I.T.D.6830-1905 August 18, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 27, 1905, the Commission to the Five Civilized Tribes transmitted the application for the enrollment of Mary Barnett as a Creek freedman, including the decision of the Commission dated June 14, 1905, denying said application.

July 20, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission to the Five Civilized Tribes denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying the application for the enrollment of Mary Barnett as a Creek freedman is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure

Dec. 687.

Muskogee, Indian Territory, August 16, 1906.

M. L. Mott,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on August 16, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1906, denying the application made by William Thornton for the enrollment of Mary Barnett as a Creek freedman.

Respectfully,

Commissioner.

[redacted]

[redacted], Indian Territory, August [redacted], 1906.

William Thornton,

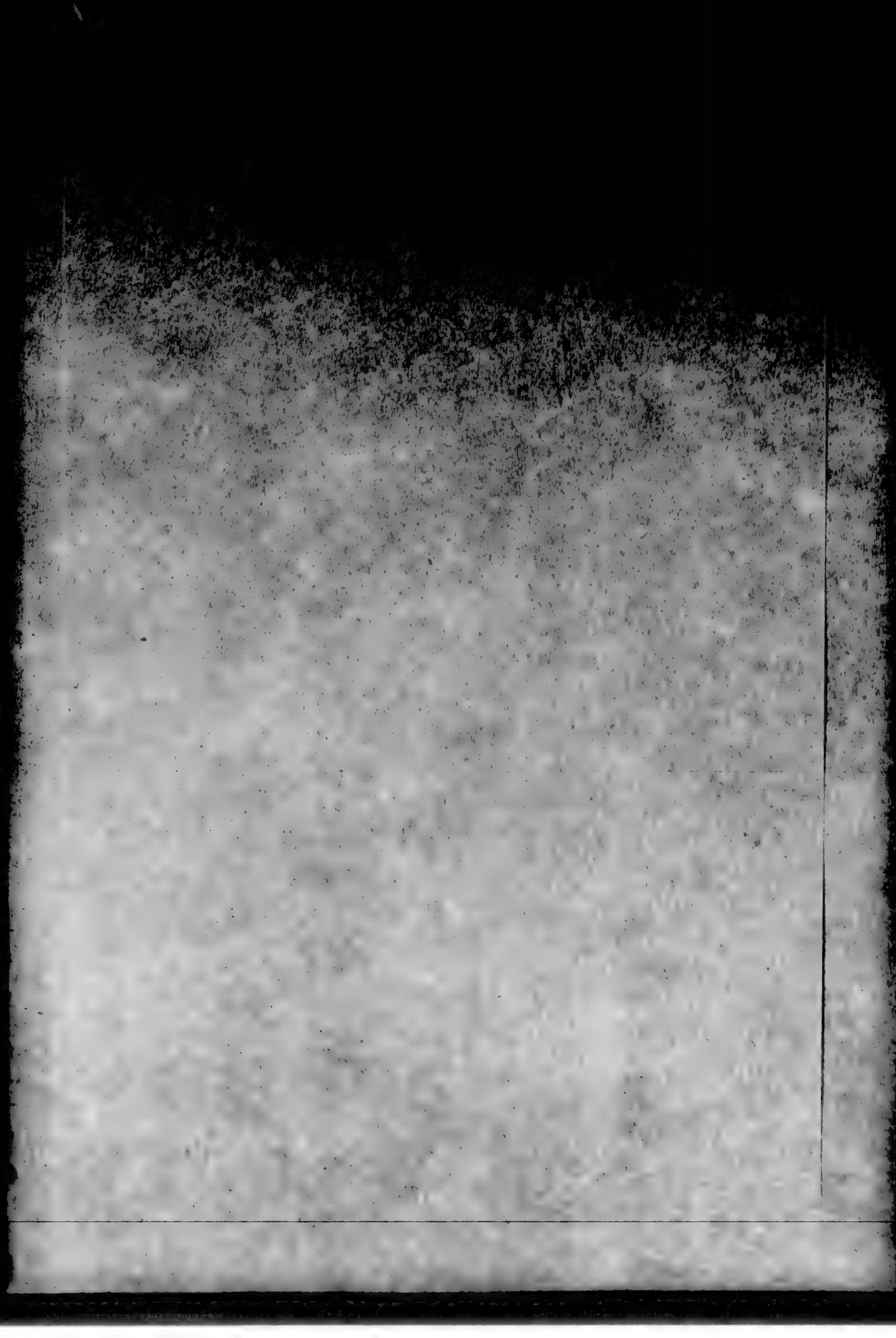
Pare, Indian Territory.

Dear Sir:

You are hereby notified that on August 18, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1906, denying the application made by you for the enrollment of Mary Barnett as a Creek freedman.

Respectfully,

Commissioner.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. APRIL 13, 1904.

In the matter of the application for the enrollment of Charles Alexander as a Creek freedman.

APPEARANCE: R.R.Cravens, attorney for applicant.

Charles Alexander being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Charles Alexander.
Q How old are you? A Forty some odd.
Q What is your post office address? A Bearden.
Q Do you make application for enrollment as a Creek Freedman? A Yes
Q What town do you claim to belong to? A North Fork.
Q Have you ever made application to be enrolled before this? A No sir
Q Did you ever draw any money from the Creek Nation? A Yes sir.
Q When? A I don't remember; it was the $29 payment.
Q How long have you lived in the Creek Nation? A I have been here all my days. I was bred and born here; during the War I went off to the Chickasaw Nation but I come back and I stayed forever and ever here.
Q Was you carried into the Chickasaw Nation during the War? A Yes sir.
Q How long did you stay there? A I dis-remember; but just after the war me and my mother and the rest of the children come back to this country and seed what we could find to live on and my father had went North and then we went back to my mistress and stayed there until my father come.
Q When did he come? A Directly after the war.
Q How soon then did you come back to the Creek Nation? A About ten years after; we stayed there until we got a start.
Q Was your father's owner a citizen of the Creek Nation? A Yes sir.
Q What was the name of your mother's owner? A Sallie McIntosh by marr'age McLish.
Q Is your father dead? A No sir, living.
Q Is he a citizen of the Chickasaw Nation? A Yes sir.
Q Is your mother dead? A Yes sir.
Q How long has she been dead? A 20 some odd years.
Q Did you ever claim to be a citizen of the Chickasaw Nation?
A No sir, couldn't.
Q Is your name on the Dunn roll? A No sir.
Q Were you ever known by any other name besides Charles Alexander?
A No sir.

The Dunn Roll examined and the name of the applicant not found thereon. The 1890 authenticated tribal roll of the Creek Nation examined and the applicant identified thereon, North Fork town. pay 163

Q Have you got any Creek blood? A Yes sir.
Q Your father and mother were slaves were they? A My mother was but my father was considered Indian.
Q Who was Thomas Alexander? A Was a younger brother.
Q Had some children, did he? A Yes sir.
Q One was named Flett? A Yes sir.
A And Cornelius and Felix? A Yes sir.

The records of the Creek citizenship Commission commonly known as the Colbert Commission examined and it appears that on July 24, 1895, application was made for the admission of the applicant herein to citizenship in the Creek Nation as a Creek by blood, it being stated that the applicant had participated in the per capita payment and was on the North Fork colored town roll. Said record shows that the applicant's application was dismissed. The 1895 pay roll of the Creek Nation examined and the name of the applicant not found thereon 1895 Doubful Roll of Creek Nation examined, North Fork, Town, and and the applicant identified thereon.

Q You didn't draw the $14 payment? A No sir.
Q Did you attempt to get that money? A No sir, i didn't try; I was contested before that Committee and they just set me aside for that hearing until the general council set and then I appeared before that Commission and they claimed that the nation wasn't ready and the man that protested against my citizenship wasn't there and when the nation tried to force him he got his horse and went home and the next time the nation wasn't yet ready and the third time they said they didn't see wherein the nation could keep me coming continually and the next time they said I was out of their hands and I would have to appear before the Dawes Commission and I never had no opportunity and they was up at Okmulgee the time the treaty passed and they was so crowded with the Creek Indians and the Dawes Commission said they went to such expense to get them in and I went before Mr. Bixby and told him and he said they was too crowded and he said he would remember me and he would never forget me and he said it would come my day and he would remember me and I just went along and I seed the time was about up and I better come; and written Mr. Bixby and I was down last May and he wasn't here and I come again the latter part of last Fall and he wasn't here yet- he was some place else and I never got here agin until just now.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 13, 1904, and that this is a true correct, and full copy of his stenographic notes therein. Henry G. Hains

Subscribed and sworn to before me this 13th day of April, 1904.

Charles H. Sawyer

[illegible] Notary Public.

L. D.

In the matter of the application for the enrollment of Charles Alexander as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on April 13, 1904, Charles Alexander appeared before the Commission and made application for enrollment as a Creek Freedman.

The evidence shows that said Charles Alexander is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Doubtful Roll of said Nation.

It further appears from the evidence that on July 24, 1895, application was made to the Creek Citizenship Commission, commonly known as the Colbert Commission, for the admission of the applicant herein to citizenship in the Creek Nation as a Creek by blood, and that said application was dismissed.

It is, therefore, the opinion of the Commission that, following the ruling of the Department in the case of Frank London et al.(Creek Enrollment No.16), said Charles Alexander should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress June 28, 1898 (29 Stats., 495), and March 1, 1901 (30 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JUN 28 1905

Muskogee, Indian Territory, March 1, 1905.

J. W. Johnson,

Wewoka, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 28, in which you ask for the status of the application for the enrollment, of Charles Alexander as a citizen of the Creek Nation.

In reply you are advised that the matter of said application is pending before the Commission, and when action is had in the matter the parties in interest will be duly notified.

Respectfully,

Commissioner in Charge.

Cr.No.668.

Muskogee, Indian Territory, June 30, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Charles Alexander as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Charles Alexander will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

LM-6-30-422.

Chairman.

#468

Charles Alexander,

Bearden, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior October 17, 1906, and that application for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Ex.466

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 1, 1905.

Charles Alexander,

Wetumka, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of October 27, 1905, in which you ask as to the status of your application for enrollment as a Creek freedman.

In reply you are advised that on October 25, 1905, a communication was sent you at Bearden, Indian Territory, the post office given by you in your testimony in said case, advising you that your enrollment as a Creek freedman had been approved by the Secretary of the Interior October 17, 1905, and that you may now appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, and make selection of lands in the Creek Nation.

Respectfully,

Commissioner.

[redacted] OF THE [redacted]
COMMISSION TO THE FIVE CIVILIZED TRIBES.
[redacted], I.T. March 14, 1903.

In the matter of the application for the enrollment of Bernie Webster, deceased, as a citizen by blood of the Creek Nation.

Jefferson Webster being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Jefferson Webster.
Q How old are you? A Thirty.
Q What is your post office address? A Okmulgee.
Q What is the name of your wife? A Mattie Webster.

The records of the Commission examined and it appears that Jefferson and Mattie Webster are listed for enrollment on Creek Indian Card Field No. 1474 and that their names are contained in the partial list of Creeks by blood approved by the Secretary of the Interior March 13, 1902, Nos. 4688 and 4689, respectively.

Q What is the name of the child for whom you wish to apply? A Bernie Webster.
Q Is that child living or dead? A Dead.
Q When was the child born? A April 25, 1900.
Q When did it die? A The last day of September.
Q What year? A 1900; same year it was born.
Q It was born and died the same year? A Yes sir.
Q You are the father of the child, are you? A Yes sir.
Q And Mattie is the mother? A Yes sir.
Q You are a full blood Creek? A Yes sir.
Q And so is your wife? A Yes sir.
Q Did you file on land for your wife? A Yes sir.
Q Why didn't you file for this child then? A We aint picked any yet.
Q You had not picked out any land? A No.

It appears from the records of the Commission that on March 14, 1903, the applicant was advised by the Commission in response to an inquiry that he would be permitted to make application for the enrollment of his deceased child, Bernie Webster, upon personally appearing before the Commission.

Q Did you have a physician in attendance when the child was born- a doctor? A No.
Q Who was present when the child was born? A Eliza; and Addie Fixico and Jemima Jones.
Q Who was present when the child died? A Jocelyn Davis.
Q Is there a head-board over the child's grave? A Yes.
Q Does that give the date of its birth and death? Is anything written on that head board? A No.

There is delivered to the applicant blank forms of birth and

death affidavits with [illegible] proper [illegible] filled out, duly executed and returned to the [illegible]

[illegible]

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 13, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 14th day of April, 1904.

Charles Hetherington

Notary Public.

[redacted]

In the matter of the application for the enrollment of Joe Beaver as a citizen by blood of the Creek Nation.

Rosa Beaver being duly sworn examined as follows:

Examination by the Commission:

Q What is your name? A Rosa Beaver.
Q How old are you? A About 30.
Q What is your post office address? A Senora.
Q Are you the mother of Joe Beaver? A Yes sir.
Q Is Joe living? A Yes sir.
Q When was he born? A 23rd of February.
Q What year? A 1901.

The records of the Commission show that Rosa Beaver is listed for enrollment on Creek Indian card No. 455, and that her name is contained in the partial list of Creeks by blood approved March 13, 1902, roll No. 1493.

Q Is Joe Beaver a fullblood Creek? A Yes sir.
Q He lives with you, does he? A Yes sir.

An affidavit heretofore filed with the Commision relative to the birth of Joe Beaver and duly executed March 20, 1901, is made part of the record herein.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 15, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 18th day of April, 1904.

Charles H. Sampson

Notary Public.

No. 470

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joe Beaver as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on April 15, 1904, Rosa Beaver appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Joe Beaver, as a citizen by blood of the Creek Nation.

The evidence shows that said Joe Beaver was born February 23, 1901, and was living at the date of the application herein; that he is a full blood Creek Indian and is the child of Rosa Beaver whose name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, No. 1493.

It is, therefore, the opinion of the Commission that said Joe Beaver should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I.T.
May 18. 1904

Creek No.470.

Muskogee, Indian Territory, May 19, 1904.

Honorable P. Porter,

Principal Chief Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joe Beaver as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Joe Beaver will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HOH-19b.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 15, 1904.

In the matter of the application for the enrollment of Jessley Tiger, deceased, as a citizen by blood of the Creek Nation.

DanielTiger being sworn testified as follows through Edmond Harry, sworn interpreter:

Examination by the Commission:

Q What is your name? A Daniel Tiger.
Q How old are you? A I don't know but am told I am about 55.
Q What is your post office address? A Bristow.
Q You want to make application for the enrollment of Jessley Tiger?
A Yes sir.
Q Is that a boy or girl? A Boy.
Q Living or dead? A Dead.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q What is the name of the child's mother? A Sarah Tiger.

The records of the Commission examined and it appears that Daniel and Sarah Tiger are listed for enrollment on Creek Indian Card Field No. 1228 and that their names are contained in the partial list of Creeks by blood approved by Secretary of the Interior March 13, 1902, roll Nos. 3935 and 3936 respectively.

Q When was Jessley Tiger born? A He says he has it put down there; when it is a long time they have to put it down.

Applicant exhibits to the Commission a leaf from a memorandum book, which contains as he states, the records of the birth and death of the child.

Q You interpret what it says about that child A (The witness reads what is contained on the paper: Jessley Tiger born September 10, 1898; when it died June 5th 1900".) Interpreter says: There is anther one put down there but he don't claim for that one.

Q Do these other entries that are put down here refer to births and deaths in your family? A Yes sir; some is dead and they already filed; that one that he is for now is the only one he didn't file for.
Q When was this writing done? A Just as soon as they was dead he put them down.
Q Who did this writing? A Tom did it; his son.

Excused, and Tom Tiger called and sworn testified as follows thro' the sworn interpreter:

Q What is your name? A Thomas Tiger.
Q How old are you? A About 28.
Q What is your post office address? A Bristow.
Q You are a son of Daniel Tiger, are you? A Yes sir.
Q Did you have a brother named Jessley Tiger? A Yes sir.
Q Did you do this writing on this paper? A Yes sir.
Q When was this done? A He says there was books that he put this [illegible] down.
Q Do you always put down in books about any births and deaths in your father's family? A Yes sir.
Q When was Jessley Tiger born? Take this paper and just state from that when he was born. A It was September 10, 1898.
Q When did he die? A June 5th, 1900.

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Henry G. Hains being sworn on his oath states that as stenographer to the Commision to the Five Civilized Tribes he reported the above case April 15, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 18th day of April, 1904.

Charles W. Sawyer
Notary Public.

En. 471.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jessley Tiger, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on April 15, 1904, Daniel Tiger appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased child, Jessley Tiger, as a citizen by blood of the Creek Nation.

The evidence shows that said Jessley Tiger was born September 10, 1898, and died June 5, 1900; that he was the child of Daniel and Sarah Tiger whose names are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, Nos. 3935 and 3936, respectively.

It is, therefore, the opinion of the Commission that Jessley Tiger, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee,
Indian Territory,
May 18, 1904

Creek Enr. 472.

Muskogee, Indian Territory, May 19, 1904.

Honorable P. Porter,
Principal Chief Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the enrollment of Jessley Tiger, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Jessley Tiger, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGH-19a

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 22, 1904.

In the matter of the application for the enrollment of Wilson and Malissa Nubbie as citizens by blood of the Creek Nation.

Examination by the Commission:

Aggie Thomas being duly sworn testified as follows:

Q What is your name? A Aggie Thomas.
Q How old are you? A I don't know.

The records of the Commission show that Aggie Thomas was listed for enrollment as a citizen by blood of the Creek Nation June 23, 1900, and that her age was then given as 26 years.

Q What is your post office address? A Spokogee.
Q Do you make application for the enrollment of Malissa Nubbie as a citizen by blood of the Creek Nation? A Yes sir.
Q What is the name of her father? A Wilson Nubbie.
Q Is he living or dead? A Dead.
Q How long has he been dead? A About three years ago.
Q To what town in the Creek Nation did he beleng? A Hillubbee Canadian.
Q Was he a full blood Creek Indian? A Yes sir.
Q What was the name of this child's mother? A Louisa Scott.
Q Is she living or dead? A She's dead.
Q Was she a full blood Creek? A Yes sir.

The records of the Commission show that Louisa Scott was listed for enrollment on Creek Indian Card Field No. 1963, and that her name is contained in the partial list of Creeks by blood approved by the Secretary of the Interior March 28, 1902, No. 6135.

Q How old is Malissa Nubbie? A Six years, the first of next July.

From affidavits on file with the Commission, which are made part of the record herein, it appears that Mallissa Nubbie was born July 1, 1898.

Q Have you ever been appointed guardian of Malissa Nubbie? by the Court? A Yes sir.
Q You have received letters of guardianship? A Yes sir.
Q Have you the papers with you? A No.
Q Is Malissa Nubbie living? A Yes sir/
Q That is the child you have here with you, is it? A Yes sir.
Q Do you want to make application for the enrollment of Wilson Nubbie? A Yes.
Q Did he have any other children? A No sir.
Q About how old was Wilson Nubbie when he died? A That I can't tell you.
Q Was he a young man? A Yes.

Q Grown man, was he? A Yes.
Q How long had he been dead? A Its about three years now.
Q He belonged to Hillubbee Canadian town, did he? A Yes.
Q Was he ever known by the name of Wilson Pat? A Yes sir.
Q Did he live in the family of Yocus Yahola? A Yes sir; Yocus Yahola married his mother.

The 1890 authenticated tribal roll of the Creek Nation examined and Wilson Nubbie identified thereon at page 117, Hillubbee Canadian town, under the name of Wilson Pat.

The 1895 pay roll of the Creek Nation examined, Hillubbee Canadian town, and Wilson Nubbie identified thereon at #66, under the name of Wilson Pate.

Q He was a full blood Creek was he? A Yes sir.
Q Did he live in the Creek Nation all his life? A Yes.
Q You don't know the datemthat he died on, do you? Know the day?
A No sir.
Q Know the month? A Along the last of November.

A copy of the testimony taken at Okmulgee November 20, 1903, in the matter of accounting for persons whose names appear on tribal rolls not therefore accounted for, is made part of the record herein; and also an affidavit heretofore filed with the Commission relative to the death of Wilson Pate is made part of the record herein.

Q Did Louisa have any other children? A One; its dead.

##########

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 22, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 25" day of April, 1904.

[illegible]

E. M. G. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMULGEE, I.T., NOVEMBER 20th, 1902.

In the matter of accounting for those persons whose names appear on the Creek Tribal rolls, who died prior to April 1st, 1899, and are not shown upon said rolls to have been otherwise accounted for.

JIM HILL, being first duly sworn by R. R. Cravens, notary public testified as follows:

BY THE COMMISSION:

The object of this examination is to ascertain who of those members of Hillabee Canadian Town died prior to April 1st, 1899.

Q What is your name? A Jim Hill.
Q What is your age? A About 42.
Q What is your postoffice address? A Eufaula.
Q Are you a member of the House of Kings for Hillabee Canadian Town? A Yes, sir.

1890 Roll.

Q Hanie Gray? A That is meant for Henry Gray: Died before the land office opened.
Q [illegible] Harjo? A Died before the land office opened.
Q [illegible] Keno? A She died since the land office opened.
Q [illegible] know it was since the land office opened? A Yes, sir.
Q [illegible] Keno? A She died long ago; before the land office opened.
Q [illegible] A She died after the land office opened.
Q [illegible] Lucy? A She died long ago.
Q Before the land office opened? A Yes, sir.
Q Mullegee? A She is dead long ago.
Q Before the land office? A Yes, sir.
Q Annie Coonhead? A She is dead a good while before the land office opened.
Q Ben Coonhead? A He died long ago. Before the land office.
Q Annie Bruner? A She is dead.
Q Before the land office opened? A Yes, sir.
Q Daniel C. Watson? A He is dead before the land office opened.
Q Tianner? A Died before the land office.
Q Emarthler? A Died long time ago.
Q Before the land office? A Yes, sir.
Q Waichee? A Dead long ago.
Q Before the land office opened? A Yes, sir.
Q Nokos Yarhola? A He is dead before the land office opened.
Q Wilson Pot? A He is dead long after the land office opened, but I would not say what month or what day.
Q George Givens? A He died after the land office opened.
Q Betsey Smith? A She died after the land office opened. I think they made affidavit for her.
Q Mary Smith? A She's dead - before the land office opened.
Q Is Mary Smith and Mary Francis the same person? A Yes, sir.
Q Amos Smith? A Died before the land office opened.
Q Alec Lasley? A He is dead, I think before the land office opened. Maybe after the land office opened. I don't know.
Q Is there any body here who would be likely to know? A I think he was dead before the land office opened.
Q Wiley Lasley? A He died after the land office opened.
Q Rob Kano? A He is dead long ago - died before the land office opened.
Q Here is Sallie Hawkins? A She is dead long ago.
Q Before the land office opened? A Yes, sir.
Q Jannattie Deer? A She is dead. Died before the land office opened.

Rose Bruner? A She is dead before the land office opened.
Q Frazier Bruner? A And Joe Bruner? A Both died before the land office opened.
Q Maggie, Hagie and Sam? A Died before the land office opened.
Q All three of them? A Maggie is dead before the land office. Hagie and Sam both died after the land office opened.
Q What name did Hagie go by? Hagie what? A Hagie Harjo.
Q Got her land I reckon? A Think so.
Q What name does Sam go by? A Sam Harjo.
Q Yarkogee? A Died after the land office opened.
Q Wesley Harjo? (No answer.)
Q Where is Maggie? A Muskogee before the land office opened.
Q Eliza and Frank in Big Jack's family? A Eliza I think is dead after the land office opened, but I cannot say.
Q What name did she go by? A Eliza Jackson.
Q What about Frank? A Don't know.

1896 Roll.

Q Buddie Hall? Do you know him? A Died before the land office opened.
Q Lucy Bellen? A I think she is dead before the land office opened.
Q Daniel Kano? A Dead before the land office opened.
Q Nancy Deer, on the 1895 Omitted Roll? A I don't know about her.
Q Do you know anything about Thomas McCall? A No, sir, don't know.

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the above and foregoing matter, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 2nd day of December, A. D., 1903, at Muskogee, Indian Territory.

Edward Merrick
NOTARY PUBLIC.

Hillabee Canv.

88.

IN RE
THE DEATH OF

Wilson Pate

a citizen of the

Creek Nation.

Approved 1

Commissioner.

Page 117-182 roll Hillabee Canv
66-169 " "

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Aug 31 1901

ACTING CHAIRMAN.

12/18/03.
E.40 says: "Died after the 2D opened." Copy of testimony herewith. Ocw
8/30/0'

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Wilson Pate (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Thurman (Here insert name of post office.), Ind. Ter., and died on the ~~month~~ day of October, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, William Barnett, on oath state that I am 45 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Thurman (Here insert name of post office.), Ind. Ter.; that I ~~am~~ personally acquainted with (State relationship, as: the father; an uncle; a cousin, etc.) of Wilson Pate (Here insert name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Wilson Pate (Here insert name of deceased.) died ~~on~~ in the ~~month~~ day of October, 1899.

his
William x Barnett
mark

WITNESSED TO MARK:

(Must be Two Witnesses.) Dick Carter Berry
W. H. Angell.

Subscribed and sworn to before me this 26 *day of* August 1901.

William T Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, Joe. Smith, on oath state that I am 30 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Thurman (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Wilson Pate (Here insert name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Wilson Pate (Here insert name of deceased.) died ~~on~~ in the ~~month~~ day of October, 1899.

his
Joe x Smith
mark

WITNESSED TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 26 *day of* August 1901.

William T Martin
Notary Public.

SUPPLEMENTAL PROOF

IN RE

Application for Enrollment of

INFANT CHILD

Milissa Hubbie

as a citizen of the

CREEK NATION.

Approved ..... 190....

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

March 15 1900

ACTING CHAIRMAN.

...NTAL PROOF.

DEPARTMENT OF THE INT...

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE ...lication for Enrollment, as a citizen of the Creek (or Muskogee) Nation, of

Melissa Nubbie, born on the 1st day of July, 1898.
(Here insert name of child.)

Name of Father: Nelson Nubbie dead, a citizen of the Creek Nation.

Name of Mother Louisa Scott dead, a citizen of the Creek Nation.

Post-office, ...

AFFIDAVIT OF PARENT.

(To be made if child is now living.)

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Wealaka District.

I, Louisa Long, on oath state that I am 40 years of age and a citizen, by birth, of the Creek (or Muskogee) Nation; that I am not a relative of Melissa Nubbie
(father or mother.) (Here insert name of child.)
a female child who was born on the 1st day of July, 1898,
(male or female.)
and that said child is now living.

her
Louisa Long
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) N. Wilson
Ollie Murchison

Subscribed and sworn to before me this 24th day of February 1903.

J. P. Boyle
NOTARY PUBLIC.

AFFIDAVIT OF PARENT.

(To be made if child is deceased.)

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
..... District.

I, ..., on oath state that I am ..... years of age and a citizen, by ....., of the Creek (or Muskogee) Nation; that I am the ..... of .....
(father or mother) (Here insert name of child.)
a ..... child who was born on the ..... day of ....., 1..., and that said child died on the ..... day of ....., 1....

WITNESSES TO MARK:

(Must be Two Witnesses.) .....

Subscribed and sworn to before me this ..... day of ..... 190....

NOTARY PUBLIC.

No. 1 Book ... 20

IN RE

Application for Enrollment of

INFANT CHILD

Melissa Nubbie

as a citizen of

Creek Nation.

Approved ... 190

... Commissioner.

Mother on 1895 Eufaula Can. Town # 51 - Card 3231

See Sen Case 214
" Bur off 61

Filed Oct. 24-1902

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Melissa Nubbie, born on the 1st day of July, 1898.
(Here insert name of child.)

Name of Father: Wilson Nubbie a citizen of the Creek Nation.

Name of Mother: Louisa Scott a citizen of the Creek Nation.

Post-office Indianola I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
..... District.

I, ..., on oath state that I am .....

years of age and a citizen, by ....., of the ..... Nation;

that I am the lawful wife of ....., who is a citizen, by

....., of the ..... Nation; that a ..... child was
(male or female.)

born to me on ..... day of ..... 1 ..... ; that said child has been

named ....., and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this *day of* *190* .

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Mcalester District.

I, Lucy Barnett, a midwife, on oath state that I attended on Mrs. Louisa Scott, wife of Wilson Nubbie on the 1st day of July, 1898; that there was born to her on said date a female child; that said child is now living and is said to have been
(male or female)

named Melissa Nubbie

WITNESSES TO MARK: D D Thomas
(Must be Two Witnesses.) J B Marshall

Lucy her x mark Barnett

Subscribed and sworn to before me this 20th *day of* October 1902.

J A Boyle
NOTARY PUBLIC.

My Com Expires Aug 16th 1906

In the matter of the application for the enrollment of Wilson Nubbie, deceased, and Malissa Nubbie as citizens by blood of the Creek Nation.

OPINION

The record in this case shows that on April 28, 1904, Annie Thomas appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Wilson Nubbie, deceased, and Malissa Nubbie as citizens by blood of the Creek Nation.

The evidence shows that Wilson Nubbie died subsequent to April 1, 1899; that he was a full blood Creek Indian, and that he is identified on the 1890 authenticated tribal roll and the 1895 pay-roll of the Creek Nation.

The evidence further shows that said Wilson Nubbie resided in the Creek Nation all his life.

The evidence further shows that Malissa Nubbie was born July 1, 1898, and was living at the date of the application hereon; that she is the child of Wilson Nubbie and Louisa Scott whose name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, No. 6135.

It is, therefore, the opinion of the Commission that said Wilson Nubbie, deceased, and Malissa Nubbie should be enrolled as citizens by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.
MAY 24 1904

Creek En. 172.

Muskogee, Indian Territory, May 26, 1904.

W. L. Matt,

Atterney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of decision of the Commission to the five Civilized Tribes in the matter of the application of Aggie Thomas for the enrollment of Wilson and Malissa Nubbie as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Wilson and Malissa Nubbie will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

MGM-1-25.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 22, 1904.

In the matter of the application for the enrollment of Johnnie West as a citizen by blood of the Creek Nation.

Sissy West being duly sworn testified as follows through William McCombs, sworn interpreter:

Examination by the Commission:

Q What is your name? A Sissy West.
Q How old are you? A Aboutm37.
Q What is your post office address? A Morse.
Q Do you make application for the enrollment of Johnnie West as a citizen by blood of the Chrek Nation? A Yes sir.
Q Is he living or dead? A Dead.
Q Are you his mother? A Yes sir.
Q What is the name of his father? A Waddie West.
Q When was Johnnie West born? A About the 2nd day of February.
Q What year? A I don't know the year.
Q When did he die? A Died the next year.
Q What month? A It must have been about October but she's not certain.
Q How long has he been dead? A About 5 years.
Q How old was he when he died? A About a year old.

Excused and Billie Yahola called and sworn, testified as follows through Mr. McCombs:

Q What is your name? A Billie Yahola.
Q How old are you? A Thirty four.
Q What is your post office address? A Morse.
Q Did you know Johnnie West a child of Waddie and Sissy West? A Yes
Q Do you know when that child was born? A 1899; I don't know what month it was.
Q Was he born before the land office opened or after? A There were people filing.
Q At the time he was born? A It was born about February and that Spring they commenced filing.
Q I understand him to say then, that the child was born before they commenced filing? A Yes, that's right.
Q How old was the child when he died? A Just about a year old.

Excused and Joe Deere called and sworn, testified as follows thro' Mr. McCombs:

Q What is your name? A Joe Deere.
Q How old are you? A Fifty six
Q What is your post office address? A Morse.

[illegible] Johnnie West, a child of Waddie and Sissy West? A Yes, [illegible] child who [illegible] [illegible] just before the land office opened a little [illegible]

[illegible]

[illegible] in the year that the land office [illegible]

[illegible] the same year? A Yes sir.
Q How old was the child when it died? A He thinks the child wasn't quite a year old [illegible]
Q Did the child die [illegible] the land office opened? A Yes sir, after land office opened. after

The records of the Commission are examined and it appears that Waddie and Sissy West are listed for enrollment on Creek Indian card Field No. 1297, and that their names are contained in the partial list of Creeks by blood approved March 13, 1904, NOs. 4137-4138, respectively.

Affidavits relative to the birth and death of Johnnie West heretofore filed with the Commission are made part of the record herein.

##########

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 22, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 25th day of April, 1904.

My Commission Expires January 19th 1908.

W. T. Martin Jr.
Notary Public

IN RE
THE DEATH OF

Johnny West

a citizen of the

Creek Nation.

Approved _____ 190—

_____
Commissioner.

Filed Sept. 24-1902

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Johny West (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Morse (Here insert name of post office.), Ind. Ter., and died on the 16 day of August, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Sarah West, on oath state that I am about 60 years of age and a citizen, by birth, of the Creek Nation; that my post office address is Morse (Here insert name of post office.), Ind. Ter.; that I am Grandfather (State relationship as the father; an uncle; a cousin, etc.) of Johny West (Here insert name of deceased.), who was a citizen, by birth, of the Creek Nation; and that said Johny West (Here insert name of deceased.) died on the 16 day of August, 1900.

Sarah West mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Geo. J. Wright

Bonnie McIntosh

Subscribed and sworn to before me this 19 day of September 1902

Harry E. Laflin

Notary Public.

My Com. Expires July 20, 1906

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Annie Hensley, on oath state that I am 22 years of age, and a citizen, by birth, of the Creek Nation; that my post office address is Morse (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Johny West (Here insert name of deceased.) who was a citizen, by birth, of the Creek Nation; and that said Johny West (Here insert name of deceased.) died on the 16 day of August, 1900.

Annie Hensley mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Geo. J. Wright

Bonnie McIntosh

Subscribed and sworn to before me this 19 day of September 1902

Harry E. Laflin

Notary Public.

My Com. Expires July 20, 1906

IN RE

Application for Enrollment of

INFANT CHILD

Johnny West

as a citizen of

Creek Nation.

Approved ..... 190....

..... Commissioner.

Filed Sept. 27-1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Johny West (Name chosen name of child.), born on the 1st day of February, 1899

Name of Father: Watie West a citizen of the Creek Nation.

Name of Mother: Sissy West a citizen of the Creek Nation.

Post-office Morse I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Western District.

I, Sissy West, on oath state that I am 30 years of age and a citizen, by birth, of the Creek Nation; that I am the lawful wife of Watie West, who is a citizen, by birth, of the Creek Nation; that a male (male or female.) child was born to me on 1st day of February 1899; that said child has been named Johny West, and is now dead.

Sissy her x West mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Geo. T. Wright
Bunnie McIntosh

Subscribed and sworn to before me this 19th day of September 1900.

Harry E. Laffoon NOTARY PUBLIC.

My Com. Expires July 14 - 1906

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Western District,

I, Orida Fields, a ———, on oath state that I attended on Mrs. Sissy West, wife of Watie West on the 1st day of February, 1899; that there was born to her on said date a Male (male or female.) child; that said child is now dead and is said to have been named Johny West

Orida her x Fields mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Geo. T. Wright
Bunnie McIntosh

Subscribed and sworn to before me this 19th day of September 1900.

Harry E. Laffoon NOTARY PUBLIC.

My Com. Expires July 14 - 1906

8978

En. 473.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER of the application for the enrollment of Johnnie West, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on April 22, 1904, Sissy West appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Johnnie West, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said Johnnie West was born during the month of February, 1899, and died subsequent to April 1, 1899, and that he was the child of Waddie and Sissy West whose names are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, Nos. 4137 and 4138, respectively.

It is, therefore, the opinion of the Commission that said Johnnie West, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.
MAY 24 1904

Creek En. 478.

Muskogee, Indian Territory, May 25, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Sissy West for the enrollment of her minor child, Johnnie West, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Johnnie West, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-15-25.

June 7

No. 976.

Muskogee, Indian Territory, July 15, 1904.

Missy West,

Morse, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Johnnie West, deceased, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior June 29, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

E.120.

[illegible] OF THE COMMISSION,
[illegible] OF THE FIVE CIVILIZED TRIBES.
[illegible], I.T., MARCH 25, 1904.

In the matter of certain persons whose names appear on the [illegible] rolls in the possession of the Commission and who have died prior to April 1, 1899.

Billy Yahola being duly sworn testified as follows through Mrs. Merrick, official interpreter:

Examination by the Commission:

Q What is your name? A Billy Yahola.
Q How old are you? A Thirty-three; postoffice is Morse.
Q You are a citizen of the Creek Nation, Nuyaka town, are you? A Yes sir.
Q Do you hold any official position in the Creek Nation? A Yes, I am member of the house of Warriors.
Q Do you remember the circumstance of the land office opening? A Yes sir:

The object of this examination is to identify certain persons on the roll that have been enrolled by the Commission and to ascertain who of those enrolled died prior to April 1, 1899:

1890 Roll.

Q4 Willie? A He is dead; before land office opened.

Q Louise Kennard and Iny? A Louise is dead.
Q Did she die before or after the Creek land office oened? A Died before.
Q Is Iny living? A Yes sir.
Q Is she married? A No sir.
Q Does she still go by the name of Iny Kennard? A I guess so; she never changed her name since she went to school.
Q Do you know her by any other name? A No sir.
Q Whom does she live with? A With her father Joseph Kennard but she is at school now.
Q What school is she at? A Nuyaka Mission.
Q What is her mother's name? A Louisa.
Q How old is Iny? A About 13 years old.

Q Major? A I know him; he is dead.
Q Do you know when he died? A I think before land office opened.
Q Did he die before or after Louise and Polly died? A Major died before Polly died. (R. 23 shows that Louise and Polly died prior to April 1, 1899.)

3332.

Lewis? A They are all living except Yarhar Ioche. he is about years old, Lewis.
Q Did you ever call him Louis Mikey? A Yes sir he goes by the name of Mikey.
Q Did his father go by the name of Mikey Grayson? A Yes sir.
Q And his mother by the name of Silvie Mikey? A Yessir.
(Creek card 3555.)

Q Johnson? A That's a son of Oneida and his name was John.
Q Is he dead? A Yes sir.
Q Died before or after Creek land office? A Died long before.

Q Cinda? A She died before land office opened.

Q Austin and Lizzie? A Died before land office opened.

Q Yarney? A Died before land office opened.

Q Chicochee? A Died before land office opened.

Ew 474

Q Rosanna? A She is dead; I think she died before the land office opened but I don't think she has ever got any land; she died after the land office opened.

146.

Q Susan? A She is living; London Knight's wife; I think that's the same person as Susanna (Arbeka), but I think she filed under the name of Susan Knight.
Q What was this Susan's mother's name? A Niddie Knight was her father's name; I don't know her mother's name.
Q Did her father ever go by the name of O gee lee sa na? A Yes sir.
Q Did her mother belong to Arbeka town? A Yes sir.
Q Has Susan been transferred from Nuyaka to Arbeka town? A Yes sir, she and Losanna and Susanna were all transferred to Arbeka town.
(It appears that Susan is enrolled on Creek card #146 as the wife of London Knight; that the identification of her name on the 1890 roll of Arbeka town page 8 as Susanna is incorrect; that the name of Susanna is that of Yarner, approved Creek roll No. 5076.)

Q Mary? A She's dead; died before land office opened.

Q Chisse Micco? A He died before land office opened.

Witness excused and Robert West called and sworn testified as follows through Mrs. Merrick:

Q What is your name, age and postt office address? A Robert West, 34 Morse.

Q You are a member of the Creek Nation, Nuyaka town are you? A Yes sir.

Q Are you at present a member of the House of Warriors of the Creek Nation Council? A Yes sir.

1895 roll.

#? Tarlesche? A She died before land office opened; she was a little girl.

#? Aster? A She died before land office opened too.

#157 Nellie Derrisaw? A She died before land office opened.

#141 Joseph Derrisaw? A I don't know him.

1895 Citizen roll.

(page 37; Creek jacket 343?)

Willie Tulwar Micco? A He died after the land office opned.
Q Did you know Mullie and Milocche well? A Yes.
Q Are you related to them? A They are first cousin of Billy Yahola.
Q How about Mullie Micco? A He is living.
Q Has he taken an allotment in the Cherokee Nation or elected to be enrolled in the Cherokee Nation? A No sir.
Q Where is he living now? A Cherokee Nation.
Q Do you know whether he has filed in the Creek Nation? A I don't think he has; he is a snake.
Q Did these people ever belong to any other town besides Nuyaka? A No.
Q Did Willie Tulwar Micco ever go by any other name? A Not that I know of.
Q Do you know whether anyone has filed for Tulwar Micco? A I don't know.

##########

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported this case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 25th day of March, 1904.

Charles H. Lawyer

Notary Public.

DEPARTMENT OF THE INTERIOR. I. 3535
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. April 25, 1904.

In the matter of the application for the enrollment of Losanna Deer, deceased, as a citizen by blood of the Creek Nation.

Joe Deer being duly sworn on his oath stestifies as ollows, through William McCombs, sworn interpreter:

Examination by the Commission:

Q What is your name? A Joe Deer.
Q How old are you? A Fifty-six past.
Q What is your post office address? A Morse.
Q Do you make application for the enrollment of Losanna Deer as a citizen by blood of the Creek Nation? A Yes sir.
Q Is she living or dead? A Dead.
Q Was she a full blood Creek Indian ? A Yes sir.
Q How old was she when she died? A I don't know but she was older than I am.
Q Did she live in the Creek Nation all her life? A Yes sir.
Q To what town in the Creek Nation did she belong? A The original Nuyaka.
Q Did she ever afterwards get on the Arbekochee town? A Yes sir.

The records of the Commission examined and Losanna Deer identified on the 1890 authenticated tribal roll of the Creek nation, Nuyaka town, page 150 as Rosanna; she is also identified on the 1895 payroll, No. 33, Arbekochee town, as Louisana Yaholar.

Q When did she die? A July, the year that the land office opened. He don't know the day.
Q She died after the land office opened? A Yes sir.

The person for whom application is now made was listed for enrollment on Creek Indian card field No. 3535 April 19, 1904, and that card has been cancelled; the following notation appears thereon:
"Supposed to have died in 1900".
Another notation thereon is as follows: "Probably died before land office opened." This card appears to have been cancelled on account of the absence of proof that the person listed thereon was living April 1, 1899.

A copy of the testimony of Billy Yahola taken at Muskogee March 25, 1904, in the matter of accounting for persons whose names appear on the tribal rolls of the Creek Nation, is made part of the record herein.

Henry G. Haines being sworn on his oath states that he stenographer to the Commission to the Five Civilized Tribes he reported the above

[redacted]

[redacted] and sworn to before me this [redacted] day of April, [redacted].

[redacted]

[redacted]

[illegal] [illegal] [illegal] duly sworn, testified as follows:

By Commission:

Q What is your name? A [illegal]
Q What is your age? A [illegal]
Q What is your post office address? A [illegal].
Q To what town in the Creek Nation do you belong? A Arbeccoche.
Q Are you the town king of that town? A Yes, sir.
Q Did you know Losanna [illegal] during her lifetime? A Yes, sir.
Q What is the name of her husband? A Joe Deere.
Q Do you know when she died? A Yes, sir.
Q When was it? A March 26, 1899.
Q Why is it that you fix the exact date of her death as March 26, 1899? A Well, the date was put on record by Town King at that time. The town King's name was Tuske Hanaha.
Q Have you the record in your possession, at home? A Yes, sir.
Q How far do you live from her? A About twenty-seven miles.
Q Will you be at Muskogee any time soon do you think? A I think so.
Q Can you bring that record with you? A Yes, sir, I would if you need it.
Q We would like to have that record? A Yes, sir. I have it at home.
Q How far did you live from her when she died? A About four miles.
Q When did you first examine that record about her death? A Last year. Joe Deere came to my house and made inquiry about the date of the death of Losanna and I showed him the record and the man that wrote it is still living. I myself know that she died on that date.
Q Did he afterwards go and make application for her enrollment? A Yes, sir.
Q What did he say about it when you showed him the record? A He said he would see the Commission and tell them she died on March 26, 1899, before the land office opened, and see what the Commission would say.

------:O:------

I, D. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4th day of November 1904.

Chas. P. Sparger
Notary Public.

[illegible] sworn, testified as follows:

Q What is your post-office address, Mr. Deere?
Q Are you the [illegible] of Arbuckle Town? A Yes, sir.
Q You gave some testimony in this case here the other day didn't you? A Yes, sir.
Q Have you the record with you that you spoke of, giving the date of the death of Losanna Deere? A Yes, sir.
Q Where did you get that record? A From the former Town King.
Q How long have you had that record in your possession? A Two years.
Q Who was the former Town King? A Tuske Hemeha.
Q Is he living or dead? A Dead.
Q Did the former Town King, when he turned this record over to you, state that he had made these records of the deaths of members of his town, and that they were in this book? A Yes, sir.

The witness presents a book containing, what purports to be, a record of a large number of persons, some of which are written in Greek and some in English.

Q I will get you to point out the record relating to the death of Losanna Deere? A This is it.

The witness indicates the first entry upon Page 200 of said book and the book is handed to the Official Interpreter, who translates said entry as follows: "Losanna finished her days March 25, 1899."

Q Does that entry there refer to Losanna Deere? A Yes, sir.
Q Whose wife was she? A Joe Deere's.
Q And that enty was in the book when it was turned over to you was it? A Yes, sir.
Q It is just as it appears there? A Yes, sir.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and [illegible] transcript of my stenographic notes as taken in said cause on [illegible] date.

D C Skaggs

Subscribed and sworn to before me this 4th day of December 1904.

Charles [illegible] Jones
Notary Public.

In re.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 26, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Losanna Deere, deceased, as a citizen by blood of the Creek Nation.

LONDON KNIGHT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A London Knight.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Morse.
Q To what town do you belong? A Arbekoche.
Q Are you a member of the House of Warriors? A Yes, sir.
Q Do you know Losanna Deere? A Yes, sir.
Q Do you know when she died? A I do not know the exact day on which she died but I am quite sure that she died about a day before the Creek Land Office opened.
Q Who was the Town King of that town before Stodard was? A I was.
Q You was Town King? A Yes, sir.
Q Did you turn over the roll of your town to William F. Stodard? A Yes, sir.
Q Did you make a record showing the date of the death of Losanna Deere? A The record of her death was made at the instance of Tommie Key, my predecessor, and was put on there by his son.
Q Is Tom Key and Tuske Heneha one and the same person? A Yes, sir.
Q Were you elected to fill serve out the unexpired term of Tuske Heneha? A Yes, sir.
Q How long did you serve as Town King? A Not quite four years.
Q Was there a record in that book that you turned over to Stodard about the death of Losanna Deere? A I never examined the record myself or was not in actual possession of the record. It was in the possession of Tommie Key's son and was turned over to William Stodard when he was elected Town King.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Nov 1904.

Charles G Sampson
Notary Public.

[illegible]

[illegible] for the enrollment of Losanna [illegible] Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

[illegible] Official Interpreter.

BY COMMISSION:

Q. What is your name? A. Joe Deere.
Q. How old are you? A. Fifty-six.
Q. What is your post office address? A. Morse
Q. Are you a citizen of the Creek Nation? A. Yes, sir.
Q. To what town do you belong? A. Arbeecoche.
Q. Did you know Losanna Deere? A. Yes, sir.
Q. Is she living or dead? A. Dead.
Q. How long has she been dead? A. She died six days before the Creek Land Office opened.
Q. Are you positive that she died six days before the land office opened? A. Yes, sir, I am positive. She had secured the numbers of her land and had made preparations to go before the Commission and file upon her land on the day the land office opened and died before she could do so.
Q. What relation was she to you? A. She was my wife.
Q. Did you know Sardy Deere? A. He was my son.
Q. Is he living or dead? A. Dead.
Q. How long has he been dead? A. He has been dead about two years.
Q. Did he die before or after the opening of the Creek Land Office? A. He was born after the opening of the Creek Land Office.
Q. How long after the opening of the Creek Land Office did he die? A. I do not know but he was something like a year old when he died.
Q. How long after the Creek Land Office opened was he born? A. About a year.
Q. Was there a record made of the date of the birth and death of this child? A. Yes, sir, I have a record at home.
Q. Upon what is the record made? A. In the record book of the Town.
Q. Can you furnish the Commission with that record? A. Yes, sir, I am going to Muskogee in a short time and will carry the record with me for the inspection of the Commission.

--oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

(Signed) D. C. Skaggs.

Subscribed and sworn to before me this 16 day of November, 1904.

(Signed) J. B. Campbell
SEAL Notary Public

I, Marie Prothman, on oath state that the above and foregoing is a full, true and correct copy of the original now on file with the records of the Commission.

Marie Prothman

Subscribed and sworn to before me this 17 day of November, 1904.

[signature]
Notary Public.

880.3

No. 474

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Losanna Deer, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on April 28, 1904, Joe Deer appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Losanna Deer, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said Losanna Deer died during the month of July, 1899; that she was a full blood Creek Indian, and that she is identified on the 1890 authenticated roll and the 1895 pay-roll of the Creek Nation.

The evidence further shows that said Losanna Deer resided in the Creek Nation all her life.

It is, therefore, the opinion of the Commission that said Losanna Deer, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

C. R. Breckinridge.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

JUL 7 1904

3013

COPY.

No. 474

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lesanna Deer, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 22, 1904, Joe Deer appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Lesanna Deer, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said Lesanna Deer died during the month of July, 1899; that she was a full blood Creek Indian, and that she is identified on the 1890 authenticated roll and the 1898 pay-roll of the Creek Nation.

The evidence further shows that said Lesanna Deer resided in the Creek Nation all her life.

It is, therefore, the opinion of the Commission that said Lesanna Deer, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Tams Bixby.
CHAIRMAN.

SIGNED: T. B. Needles.
COMMISSIONER.

SIGNED: C. R. T. Nebinger.
COMMISSIONER.

DATED AT MUSKOGEE, I. T.

October 11- 1904.

1 I.D.D.

Department of the Interior.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

No. 474

In the matter of the application for the enrollment of Lesanna Deer, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 22, 1904, Joe Deer appeared before the Commission and made application for the enrollment of his wife, Lesanna Deer, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had October 10, October 21, October 24 and November 8, 1904.

The evidence shows that said Lesanna Deer, deceased, died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Lesanna Deer, deceased, as a citizen by blood of the Creek Nation and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

FEB 21 1905

En. 845.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmah, I. T., February 25, 1908.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Sarty Deere, deceased, as a citizen by blood of the Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Joe Deere.
Q How old are you? A Fifty-seven.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeccoche.
Q Did you have a son named Sarty Deere? A Yes, sir, that was his proper name but he was afterwards named Thomas Deere.
Q You have heretofore testified in this case have you? A Yes, sir.
Q You stated in your testimony before the Commission, at Weleetka, November 9, 1904, that you had a record of the birth and death of Sarty, have you that record now? A Yes, sir.

The witness presents a pocket memorandum book in which is found the following entry: "Thomas Deer born Feb 19th 1901 died Jan. 8, 1903."

Q This record refers to the birth and death of Sarty Deere does it?
A Yes, sir, Sarty and Thomas are the same person.
Q Who made this record? A Barney Marshall.
Q When did he make this record? A He made the record relative to his birth the same day he was born and the record of his death the same day he died.
Q Is this the original record that he made? A The original record was made in a book, which I have at home, containing the dates of the births and deaths of various persons. The record in the memorandum-book which you have is only a transcript.
Q Is the record in the book which you have at home written with pen or pencil? A With a pencil.
Q Is that record written in Creek or English? A The record which I have at home is written in Creek. The record which you have was transcribed by my daughter, Minnie.
Q Why did you not bring the original record? A I thought that the record transcribed would answer as well as the original and when I learned yesterday that you desired the record I had my daughter transcribe it in this book so I could bring it in to-day.
Q How large a book is that in which the original record is written?
A It is a thin-broad book and inconvenient to carry about in one's pocket.
Q The Commission desires to examine the book in which the original record is written? A You may do so any time you come to my house.
Q Is Barney Marshall living? A He was killed.
Q Did he make the record at your request? A Yes, sir. He could read and write both Creek and English and made most of the record in the book which I have at home. Some are in English and some are in Creek.
Q How old was Sarty at the time of his death? A I do not know how old he is but he was as old as the record shows him to be.
Q Was he old enough to walk? A Yes, sir, he could run about in the house.
Q What is the name of Sarty's mother? A Yanah Deere.

full and true statement of my [illegible]

Subscribed and sworn to before me this [illegible] day of [illegible] 19[illegible].

Notary Public.

No. 545.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., May 12, 1905.

In the matter of the application for the enrollment as Creek Deere, deceased, as a citizen by blood of the Creek nation.

JOE DEERE, being duly sworn, testified as follows:

through Alex Posey, official Interpreter:

BY COMMISSION:

Q What is your name? A Joe Deere.
Q How old are you? A About eighty-seven.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeccoche.
Q You have heretofore testified in this case have you not? A Yes, sir.
Q You stated in your testimony that you had a record of the death of Sarty Deere at your home. Have you that record now? A The record to which I referred is about my son, Thomas Deere, who was nicknamed Sarty. Upon investigation I find that the Sarty Deere about whom you are wanting information was another person. I want to take this opportunity to correct the statements I made. I was in error.
Q Who are his parents? A Mahaley Johnson is his mother.
Q Who was his father? A Barney Marshall.
Q Are the parents of Sarty living? A The father is dead but the mother is living.
Q Where does Mahaley Johnson live? A She lives about three miles south-east of Morse
Q Do you know when Sarty Deere died? A I think the child died in March of the year the land office opened and just before my wife, Losanna Deere, died. The child should have been named Sarty Marshall instead of Sarty Deere. That is what caused me to be mis-lead in the testimony I gave the other day and thought it was meant for my son, Thomas, who was nicknamed Sarty.
Q How old was Sarty Deere at the time of his death? A The child must have been over two years old. He was running about and talking fluently at the time he died.
Q Do you know whether or not a record was made of his death? A I think not. The mother ought to be able to give you all the information you want.
Q When did you wife, Losanna Deere, die? A Six days before the land office opened and Sarty died before she died.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 12th day of May, 1905.

Henry A. Zimm

Notary Public.

No. 118.

[illegible] OF THE [illegible]

[illegible] FOR [illegible]

[illegible], 1908.

In the [illegible] Deere, [illegible]

[illegible]

Through [illegible] official interpreter.

BY COMMISSION:

Q [illegible] A [illegible]
Q [illegible] A I [illegible] said I am. Probably so.
Q What is your post office address? A [illegible]
Q Are you a citizen of the [illegible]? A Yes, sir.
Q To what town do you belong? A [illegible]
Q Did you have a child named Sarty Deere? A Yes, sir.
Q Who was Sarty's father? A [illegible] Marshall.
Q Is Barney Marshall living? A Dead.
Q Do you know when Sarty died? A I do not know when he died but the record on the grave-stone will show.
Q Where is he buried? A Right back of the house.

A grave indicated by the witness as that of Sarty Deere is visited and upon the tomb-stone the following writing appears: "Elmer Deer died Oct. 1, 1898, aged 1 yr. & 2 MS."

Q Does Elmer Deer mean Sarty Deere? A Yes, sir, Elmer was his proper name. Sarty is just a nick-name. He was named Sarty in sport by the white renters on our place and Sarty should be Shorty. He was a short fat little boy just like that boy there (indicating a very short and fat little boy) The white renters called him fatty.
Q Were you and Barney Marshall married? A Yes, sir, according to Indian custom.
Q Do you know whether or not Joe Deere ever had a boy named Sarty? A He had a boy by his present wife who I think was nick-named Sarty. The child died a year or two ago.
Q Why was your child Sarty, named Deere instead of Marshall? A Joe Deere went before the Commission at Okmulgee when the Commission was there enrolling citizens and gave the child's name in as Sarty Deere. Lesanna Deere, a former wife of Joe Deere, was my mother and their names were given in together and that is how the mistake was made.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 13th day of May, 1908.

Jera E. Church

Notary Public.

En.474

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, October 16, 1908

In the matter of the application for the enrollment of Losanna Deer, deceased, as a citizen by blood of the Creek Nation.

Joe Deere, being duly sworn, testified as follows through Alex Posey, official interpreter.

Q What is your name? A Joe Deer
Q Are you a citizen of the Creek Nation? A Yes, sir
Q What is your age? A Going on 57
Q What is your post office? A Morse
Q You were the husband of Losanna Deer were you? A Yes, sir
Q When did Losanna Deer die? A Just before the opening of the Creek land office, six days before.
Q You stated in April 1904 that she died in July the year the land office opened, November of the same year you said she died six days before the land office opened, which is correct?
A I made a mistake when I gave testimony the first time, I investigated and afterwards fixed the date of her death as six days before the opening of the Creek land office.
Q How did you fix the date of her death? A By studying over it.
Q Did you have a record of her death? A Yes, sir
Q Who made the record? A I don't know whether it was Minda or Mahala made the record, Minda is my daughter, Mahala is my step-daughter.
Q Was the record made shortly after Losanna died? A Yes, sir, probably made the same day she died.
Q Have you that record now? A Yes, sir
Q Have you it here? A No, sir
Q Have you it at home? A Yes, sir
Q Are you going to be in Muskogee inside of a month? A Will not be back soon.
Q Mr Posey will be taking testimony in Creek cases up around Morse in about a month, will you show him the record at that time? A Yes, sir
Q Was your son Sordie Deer the son of your wife Losanna or the son of another wife? A Sordie is the child of Mahala
Q You had a son that was some times called Sordie Deere, didn't you? A Yes, sir
Q What was that child's correct name? A Sometimes called Siah
Q Was your child Thomas some times called Sordie? A Yes, sir
Q When was the child Sordie that was some times called Thomas born? A I have forgotten. I have a record at home and the record on the tombstone will also show.
Q Was this child Thomas who was some times called Sordie the child of Losanna or of another wife? A The child of another wife.
Q Is your correct name Deer or Deere? A I dont know how my name is spelled. I dont write myself. All I know is that my name is Joe Deer.

Q Who is the mother of your [illegible] Thomas [illegible] times called Sordie? A Lanah.
Q How long after Losanna died before you [illegible]? A Less than a year. My sons Thomas was living at the time [illegible] for my family [illegible] the Commission's attention to [illegible] and was told that [illegible] would be considered later.
Q Did you [illegible] him by the name of Thomas at that time? A I dont know whether I named the child to the Commission or not but simply remember calling their attention to him
Q Did you have the child with you when you filed? A Yes, sir/ I think it was in the next year after the opening of the land office [illegible] and made selection of land. I dont know just in what month it was.
Q Who was with you at the time you called the Commission's attention to that child? A There were many people present.
Q Do you know any one who has a sufficient recollection of your action in calling the Commission's attention to the child that would be able to corroborate your statement? A Alex McIntosh would remember.
Q Where does Alex McIntosh live? A Near Council Ground Hill. The clerk who was in the land office that day could remember, because he told me that the child was too young. The clerk is not in the land office now but I see him on the street and the child's mother would remember.

> Witness is advised that this office has no record of an application having been made for the enrollment of his son Sordie or Thomas Deer, prior to or on September 1, 1904 and that if he claims such application was made he should endeavor at an early date to produce testimony tending to show that such application was in fact made.

A I am certain there is no record of my having made application for the child because it was not put down in writing that day but I can furnish all the proof that is necessary and that at the time the Commission told me that the child's case would be considered and that I would be notified by letter later but I never heard from the Commission .

I will have my witnesses and records ready when you call for them.

I, Anna Garrigues, state on oath that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 16 day of October 1905.

J McDermott
Notary Public.

[illegible] 1., October [illegible] 1902.

[illegible] application for the enrollment of Thomas [illegible], deceased, as a citizen by blood of the Creek Nation.

JOE [illegible], being duly sworn, testified as follows:

Through Alex Posey, Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Joe Deere.
Q How old are you? A About fifty-seven.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeccoche.
Q You appeared before the Commissioner October 16, 1902, and gave testimony about a deceased child of yours named Thomas Deere, claiming that you made application for the enrollment of said child at the time you appeared before the Commission to select allotments of land for your family. You were advised that this office has no record of an application having been made for the enrollment of your son, Thomas Deere, prior to or on September 2, 1904, and that if you claim such application was made you should endeavor to produce, at an early date, testimony tending to show that such application was in fact made. Have you a record showing when the child was born and when he died? A Yes, sir.

Witness presents a record book containing a record of the births and deaths of various persons, in which the following entry is found:

"Thomas Deer son of Yarner & Joe Deer born Feb. 19-1901: Died Jan 8-1903. Age 1yr. 11 month."

Q Who made this entry? A The entry was made at my request by John Phillips. I bought a tomb-stone from him and that record was inscribed upon it.
Q When was this record made? A The entry in that book was made recently by John Phillips, at my request, and was taken from a record made by Barney Marshall. The record of the birth of the child was made by Marshall soon after it was born and the record of its death was made by him soon after the child died. Barney Marshall was my brother-in-law, being the brother of my present wife, Yarner. The old record was destroyed when that record was made in the book.
Q Are you now ready to introduce evidence that you did in fact make application for the child at the time you filed for your family? A Yes, sir, my wife will testify as to that. The child was living at that time and we had him with us. It was crawling around on the floor crying while I was filing. I asked the Commission if I could not file for it also and was informed that I could not then, and that the child's case would be considered later.
Q Did the Commission tell you that you would be notified by letter as to when you could file for the child? A No, sir, they simply told me that the child's case would be considered later and that I would have to wait. Jim Lynch did the interpreting.

YARNER DEERE, being duly sworn, testified as follows:

Through Alex Posey, Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Yarner Deere.
Q How old are you? A I do not know my age.

appears to be about twenty-eight years of age.

Q What is [illegible] address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Muskogee.
Q [illegible] child named Thomas? A Yes, sir.
Q [illegible] A [illegible]
Q [illegible] A I do not know.
Q How old was the child when it died? A The child was [illegible] at the time it died but was not walking. It could say a few words.
Q Do you remember the circumstance of the [illegible] A Yes, sir.
Q Was the child living at that time? A The child was living and I had him with me when we were at Muskogee filing on our land.
Q Did you make application at that time to have the child enrolled? A Yes, sir. My husband, Joe Deere, called the Commission's attention to the child but was told that we could not file for it then. While he was in the office filing I was outside the building with the child in my arms. There were many people present and the child was crying and I was trying to quiet it. I remember the circumstances very distinctly.
Q Was the child nursing at that time? A Yes, sir.
Q Did the Commission tell your husband when he could file for the child? A I do not know. All I know is we did not get to file for the child.
Q How long did the child live after that? A I died quite a while afterward. I do not know just how long it was.
Q You can swear positively, can you, that the Commission's attention was called to the child when you and your husband were at Muskogee filing? A Yes, sir.

JOE DEERE recalled:

BY THE COMMISSIONER:

Q Who was present when you called the Commission's attention to your child, Thomas? A There were many people present, but most of them were negroes. The only Indians that I can recall was Alex McIntosh and Jim Lynch, who interpreted for me. I was asked to have the child brought in the office and the mother broght the child in and they looked at him and told me I would have to wait, that I could not file for the child then.
Q Who asked to have the child brought in? A It was a clerk in the office who seemed to be in charge. He was a short, small man, with mustache. I do not know his name. I do not think he is working for the Commission any longer, but I see him on the streets, in Muskogee, occasionally. I got so out of patients waiting to hear from the Commission about the child that I again called their attention to it when I was there the other day.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of June 1906

Notary Public

No. 474.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., OCTOBER 24, 1905.

In the matter of the application for the enrollment of Losanna Deere as a citizen by blood of the Creek Nation.

PALISSA KEY, (or Heneha) being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Palissa Key.
Q How old are you? A About twenty-seven. I was born in 1879.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A I am a Seminole. I belong to the Mekasuka Band.
Q Do you know Losanna Deere, the wife of Joe Deere? A Yes, sir.
Q Do you know when she died? A I have forgotten the exact date of her death, but she died six or eight days before people began filing upon their allotments. It was in the month of March.
Q Did you make a record of her death? A Yes, sir. I made a record at the instance of my father, who was, at that time, Town King of Arbecoche. I made the entry of Losanna Deere's death in the record book of his town. The book is now in the possession of William Stoddard, the present Town King.
Q How long after Losanna died was it that you made the record? A I think it was on the day she died, though I am not positive. I remember distinctly my father told me to write the entry in the book shortly after she died.
Q What is your father's name? A My father had two names. He was known as Tuske Heneha and Tommie Key.

---oooOOOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 30 day of Dec 1905.

Edwin Grimes
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Morse, I. T., October 24, 1905.

In the matter of the application for the enrollment of Losanna Deere, deceased, as a citizen by blood of the Creek Nation.

JOE DEERE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter.

BY THE COMMISSIONER:

Q What is your name? A Joe Deere.
Q How old are you? A About fifty-seven.
Q What is your post office address? A Morse.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbecoche.
Q You have heretofore given testimony in this case have you not ? A Yes, sir.
Q You stated in your testimony, October 16, 1905, that you had a record of the date of the death of your wife, Losanna. Have you that record now? A yes, sir.

Witness presents a book containing what purports to be a record of the births and deaths of a large number of persons. Some of the entries being written in Creek and some in English. The first entry on Page 19 is as follows:

"Saturday night March 25th 1899 my dear mamma finished her days."

Q Who made this entry? A Mahaly Johnson, who is my step-daughter.
Q When did she make this entry? A The same day Losanna died.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 30 day of Dec 1905.

Edwin L. Gruesi
Notary Public.

En.474
En.845 I.S.M.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for enrollment of Losanna Deer (or Deere) and Sardy (or Sordie, or Sarty or Elmer) Deer (or Deere or Marshall), both deceased, as citizens by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on April 22, 1904, Joe Deer appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his wife, Losanna Deer, deceased, as a citizen by blood of the Creek Nation.

It appears from the records in possession of this office that on April 19, 1901, Sardy Deer was listed for enrollment (from information) as a citizen by blood of the Creek Nation, on Creek Indian card No. 3536, the age of said child as of the date his name was listed being three and one half years, the name of his mother appearing as Mahala Deere, daughter of Joe and Louisiana Deer, the name of the father of said child not being indicated.

The listing of the name of Sardy Deer on the above mentioned date is considered in the nature of an application for his enrollment.

Further proceedings were had October 10, 21 and 26 and November 9, 1904, February 20, March 9 and 10, and October 16 and 24, 1905.

The weight of evidence shows that Sardy (or Sordie or Sarty or Elmer) Deer (or Deere or Marshall) died October 1, 1898 and establishes the date of death of Losanna Deer (or Deere) as prior to April 1, 1899.

It is therefore ordered and adjudged that there is no authority of law for the enrollment of said Losanna Deer (or Deere) and Sardy (or Sordie or Sarty or Elmer) Deer (or Deere or Marshall), both deceased, as citizens by blood of the Creek Nation and the applications for their enrollment as such are accordingly denied.

Commissioner.

Muskogee, Indian Territory,

[illegible]

Ex. 474.

Muskogee, Indian Territory, June 25, 1904.

Oliver C. Winkle,
In Charge Creek Enrollment Field Party,
Cathay, Indian Territory.

Dear Sir:

April 22, 1904, Joe Deer of Morse, Indian Territory, appeared before the Commission and made application for the enrollment of Losanna Deer as a citizen by blood of the Creek Nation. A copy of the testimony in the case is herewith inclosed.

William F. Stodard of Morse, Town King of Arbekeohse Town, appeared before the Commission, June 21, and stated that said Losanna died prior to April 1, 1899, and that he had in his possession a record, made by a former town king, showing the exact date of her death. Said Stodard expressed a willingness to produce the record and testify in the case.

You are instructed to have said Stodard before you with the record mentioned, when you reach the vicinity in which he lives, and secure such evidence as may be obtainable in the case.

Respectfully,

Commissioner in Charge

DCH. 6/23-1.

No. 894.

Muskogee, Indian Territory, October 12, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Losanna Deer, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days within which to protest against said decision and if, at the expiration of that time, no such protest has been made, said Losanna Deer, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGH-1-10-12

COPY.

Cr Rn 474

Muskogee, Indian Territory, February 23, 1906.

Joe Deer,

Morse, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your wife, Losanna Deer (deceased), as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

JYL-23-20.

COPY.

Cr En 474

Muskogee, Indian Territory, February 23, 1905.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Josanna Deer (deceased) as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

JYM-23-21.

Refer in reply to the following:
Land.
18838-1905.

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 23, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation by Joe Deer for his wife, Losanna Deer (deceased).

February 21, 1905, the Commission decided adversely to the applicant.

The record shows that Losanna Deer died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

M.M.M.
W.

[illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

April [illegible], 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 23, 1905, you transmitted the record in the matter of the application of Joe Deer for the enrollment of his wife, Losanna Deer, deceased, as a citizen by blood of the Creek Nation, including your decision dated February 21, 1905, denying said application on the ground that "the evidence shows that said Losanna Deer, deceased, died prior to April 1, 1899."

Application appears also to have been made by Joe Deer, or Joe Deere, for the enrollment of his son, Sardy Deere, deceased, which you omitted to pass upon in your decision. The evidence submitted as to the exact date of death of Losanna Deer, whether before or after April 1, 1899, is so contradictory and conflicting that it is impossible to reach a satisfactory conclusion.

Joe Deer, the husband, on the first examination on April 22, 1904, stated that his wife died in "July, the year that the land office opened," and after the land office opened. On his second examination, November 9, 1904, Joe Deer testified posi-

[illegible] wife "died six days before the Creek land office [illegible], and apparently contradicts this last statement by saying that his son, Sardy Deere, was born "about a year" after the Creek land office opened, and the child "was something like a year old when he died." If Sardy Deere was the son of Joe Deer, begotten of his wife Losanna Deer, deceased, it is a physical impossibility for the child to have been born "about a year" after the death of its mother. Joe Deer claims to have a record of the birth and death of said child at his home, and that such a record can also be found in the record book of Arbekoche town.

Billy Yahola, a member of the House of Warriors, contradicts himself in the same statement made as to the date of death of Losanna Deer, to wit, "I think she died before the land office opened but I don't think she has ever got any land, she died after the land office opened?"

London Knight, also a member of the House of Warriors, and former Town King of Arbekoche town, stated that he was "quite sure that she died about a day before the Creek land office opened," which conflicts with the town record in the possession of his successor, William F. Stoddard, which reads: "Losanna finished her days March 25, 1899." This last entry in the town record appears to have been made by the son of Tuske Heneha, a former Town King.

To clear up all doubt as to the date of death of both Losanna Deer and Sardy Deere, you are requested to secure, if

or Joe Deere.

You are requested to pass upon the application for the enrollment of Sardy Deere, deceased, as well as Lemanna Deer, deceased, in your subsequent report to be made as soon as practicable.

Respectfully,

(Signed) Thos. Ryan
Acting Secretary.

Muskogee, Indian Territory, April 24, 1905.

Joe Deere,

Morse, Indian Territory.

Dear Sir:

January 21, 1905, the Commission denied the application for the enrollment of your deceased wife, Losanna Deere, as a citizen by blood of the Creek Nation. April 3, 1905, the Department remanded said case and directed the Commission to secure further evidence relative to the exact date of the death of said Losanna Deere.

You are hereby advised that the Commission desires the testimony of the son of Tunke Honoha as to the authenticity and correctness of the entry claimed to have been made by him relative to the death of said Losanna Deere in the records of Arbekouhee Town.

You are notified to produce such records as may be in your possession, or which you will be able to obtain, to show the exact date of the death of said Losanna Deere and also the exact dates of the birth and death of your son, Hardy Deere (deceased).

You are also notified that this case is set for rehearing at the office of the Commission, in Muskogee, Indian Territory, May 12, 1905, and that at the same place, the Commission desires

Registered.

COMMISSIONER OF THE FIVE TRIBES
No. 19692 1905
Received NOV 2 1905
ANSWERED Book Page

Posey, Alex,
Okemah, I. T.,
Nov. 1, 1905.

Transmits testimony in re application for enrollment of Losanna Deere, deceased, as a citizen of the Creek Nation.

CREEK ENROLLMENTS

DEPARTMENT OF THE INTERIOR,
Cr.En.474. COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Okemah, Indian Territory, November 1, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken October 24, 1905, in the matter of the application for the enrollment of Losanna Deere, deceased, as a citizen by blood of the Creek Nation, together with copies of the testimony heretofore taken in said case.

Respectfully,

Clerk in Charge Creek Field Party.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON.

DEPARTMENT OF THE INTERIOR
RECEIVED
MAY
23
1906
Enc. No. 1 of No. 946.
INDIAN TERRITORY DIVISION

COPY

Land
33940-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 11, 1906, transmitting the record of the consolidated applications for enrollment as citizens by blood of the Creek Nation of Losanna Deer (or Deere) and Sandy (or Sardie or Elmer) Deer (or Deere or Marshall,) both deceased. In a decision without date the Commissioner held adversely to the applicants.

The record shows that Sardy (or Sordie or Sarty or Elmer) Deer (or Deere or Marshall) died October 1, 1898 and that Losanna Deer (or Deere) died prior to April 1, 1899.

In view of the record the approval of the Commissioner's decision adverse to the applications is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner.

MCM
C

22198. GR.LIB.MP

I.T.D.2360-1905.
9460-1906.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, May 28,1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 11,1906, you transmitted the remanded record in the matter of the application of Joe Deer for the enrollment of his wife Losanna Deer, deceased, and his application for the enrollment of Sarty or Elmer Marshall, or Elmer Deer, deceased, the child of Mahaley Johnson and Barney Marshall; ascitizens by blood of the Creek Nation.

In accordance with the recommendation of the Indian Office of May 22,1906, your decision, without date, denying the application of Joe Deer for the enrollment of his deceased wife, Losanna Deer (or Deere), and Sarty or Elmer Marshall, or Elmer Deer (or Deere), deceased childof Mahaley Johnson and Barney Marshall, as citizens by blood of the Creek Nation, is hereby affirmed.

The application of Joe Deer for the enrollment of his deceased child, Thomas Deer, nicknamed Sarty, son of Yarner and Joe Deer, alleged to have been born February 19,1901, and died January 8,1903, is not passed upon in this decision.

A copy of the Indian Office letter is inclosed.

1 inclosure.

Respectfully,
Jesse E.Wilson, Assistant Secretary.

Cr.En.674
848.

Muskogee, Indian Territory, June 20,1906.

Joe Deere,

Morse, Indian Territory.

Dear Sir:

You are hereby advised that under date of May 26,1906, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of your wife, Losanna Deere, deceased, and also the application for the enrollment of Sarty or Elmer Marshall or Elmer Deere, deceased, the child of Mahaley Johnson and Barney Marshall, as citizens by blood of the Creek Nation.

You are further advised that the application made by you for the enrollment of your deceased child, Thomas Deere, nicknamed Sarty, is now pending and when final action is had in same you will be duly notified.

Respectfully,

Commissioner.

Jm.474
845.

Muskogee, Indian Territory, June 20, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that under date of May 28, 1906, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application of Joe Deere for the enrollment of his wife, Losanna Deere, and his application for the enrollment of Sarty or Elmer Marshall or Elmer Deer, deceased, the child of Mahaley Johnson and Barney Marshall, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

En 1151.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 4, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In the matter of the alleged application for the enrollment of Thomas Deere, deceased, as a citizen by blood of the Creek Nation, I have the honor to report that the Creek field party finds it difficult to secure further evidence. There are herewith returned copies of records in said cause.

Respectfully,

Alex Posey

In charge of Creek field party.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 25, 1904.

In the matter of the application for the enrollment of William Malvern, deceased, as a Creek freedman.

Sallie Love being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sallie Love.
Q How old are you? A Twenty-nine.
Q What is your post office address? A Checotah.
Q You are a Creek citizen, are you? A Yes sir.

The records of the Commission examined and it appears that Sallie Love is listed for enrollment on Creek freedman card, Field No. 338, and that her name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1903, no. 1296.

Q Do you make application for the enrollment of William Malvorn as a Creek freedman? A Yes sir.
Q Is he your child? A Yes sir.
Q Is he living or dead? A Dead.
Q How old was he when he died? A A year and six months old.
Q When was he born? A I don't know sir, when he was born. But he was a year and six months old when he died.
Q Was this child living when you filed on your land? A No sir.
Q How long had he been dead? A He died in 1891; he wasn't born when I filed.
Q How long has he been dead? A About 2 or 3 years.
Q Do you know the date he died? A Yes sir; in May 17th.
Q Do,you know the year? A No sir.
Q You say this child wasn't born when youfiled on your land?
A No sir;I filed two years before he was born.

Excused and Rose Williams called and sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Rose Williams.
Q How old are you? A About 38.
Q What is your post office address? A Checotah.
Q Do you know Sallie Love and a child of hers named William Malvern?
A Yes sir.
Q Do you know when that child died? A In 1901; that's a year after we was filing.
Q How old was the child when it died? A A year and 6 months old.
Q What month was it he died? A In May. He died a year after we filed I know cause I have got a child died two days before hers died
Q What is the name of that child? A McKinley; they was both birth about the same time.

Q Have you filed for him? A No sir; there was a misunderstanding.

Bennett and Sallie Love recalled:

Q Did you make any record about the birth and death of this child?
A No sir; Dr. Pate was the one come out and seen her.
Q Have you any other children? A No sir.
Q How long after you filed before this child was born? A I guess it was about two years or a year; the doctor told me he had it down in his book when he died.

(The witness is instructed to have Dr. Pate before the Commission with the book in which is written the record of the death of the child, William Malvern, and the case is continued for further testimony.)

An affidavit herefore filed with the Commission relative to the death of William Malvern is made part of the record herein.

The records of the Commission show that Sallie Love made an application for an allotment of land in the Creek Nation April 8, 1899.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 25th 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 26th day of April, 1904.

Charles N. Sawyer

Notary Public.

No. [redacted]

[redacted]

[redacted]

In the matter of the application for the enrollment of William Malvern, deceased, as a Creek freedman.

D. M. Pate being duly sworn testified as follows:

Examination by the Commission:

Q State your name, age and post office address? A D.M.Pate, 38; Checotah.
Q Are you a practising physician? A Yes sir.
Q Do you know Sallie Love? A Yes sir.
Q Did you know a child of hers named William Malvern? A Yes sir.
Q Did you attend on that child? A It only lived about two or three weeks or days; this child- it died; two or three weeks, or [illegible] like that; I don't know how long just exactly; they called it William Malvern because old man Malvern was the father of the father of the child; it was a bastard child to tell the truth.
Q When did that child di e? A I don't know just exactly; it was born on the 16th day of May, 1899, and it died in about two weeks- that's what they told me; that's all I know about it.
Q You don't know when it died? A I know she had a baby and delivered it from her- but I don't know only they told me it died about two weeks after.
Q What year was that? A 1899, May 16th; that's the best of my judgment the child was born; I can send you the books so you can see.
Q I have here an affidavit executed by you in which you testified that that child died on the 27th of May, 1899. A Well, you know I don't remember just when it died.
Q You executed this on the 9th of September, 1901. A Well, you know I can remember that long; but this far I can't say just positively how old the child was.
Q How old was the child when it died? Two weeks? A That's what they told me; I never seen the child dead; they said about two weeks; I knew when it was born and I made that affidavit from what they said, from say so, not from my own knowledge.
Q You state in here that that child was about 18 months of age when it died. A I meant that it was about 18 months before that it was born; that's a mistake; the man that wrote that made a mistake.
Q When you put that in you meant that the child was born about 18 months before you executed the affidavit? A Yes sir, thats's what I meant; the mistake was made; I meant that the child had died about 18 months before; the child only lived about two weeks; she just had a live child born and she died right away, see? Born on the 16h day of May, 1899.
Q You are positive as to the date of its birth? A Yes sir, that's all I am positive about; I don't know the date of its death; the child would have been 18 months old if it had lived; I found that out a while ago; that's the reason I came here this morning to correct that.

Q [illegible] with you that [illegible] from your book as to the [illegible] of this child's [illegible]
[illegible] you examined the book [illegible] Yes sir.
Q [illegible] it for the purpose of testifying here? A Yes sir; the [illegible]
Q You examined that book yesterday for the purpose of ascertaining the [illegible] of the child's [illegible] A Yes sir; they told me about this [illegible] in the affidavit and I wanted to correct it; the child only lived about [illegible] after it was born, and it was about 18 months after that before I made out this affidavit, and I think J. Nelson, the book-keeper, put that down that way incorrectly.

\#\#\#\#\#\#\#\#\#\#\#\#\#

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May, 2, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 2nd day of May, 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muscogee, Indian Ter., June 16, 1904.

SUPPLEMENTAL TESTIMONY In the matter of the application for the enrollment of William Malvern as a citizen of the Creek Nation.

D. M. PATE, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q State your name, age and postoffice address. A Demascee M. Pate, thirty-eight, Okmulgee.
Q Are you a citizen of the Creek Nation? A No, citizen of the United States.
Q You are a practicing physician in this vicinity? A Yes, sir.
Q How long have you been practicing here? A Twelve years, past.
Q Do you know Sallie Love? A Yes, sir.
Q Did she have a child named William? A That is heresay to me, and their word for that. I know she had a boy baby, and they said its name was William.
Q You testified in this case before the Commission on May 5, 1904, did you not? A Yes, sir.
Q At that time you stated that William Malvern died on the 27th day of May, 1899; Did you know that of your own personal knowledge, or was that from heresay? A That was heresay.
Q You were in attendance on Sallie Love at the time she gave birth to the child you were told was named William? A Yes, sir.
Q Doctor, did you make an entry in your journal or blotter which will show the exact date of your visit on Sallie Love when she gave birth to that child William? A Yes, sir.
Q Have you that journal or blotter in your possession at the present time? A Yes, sir.
Q Will you show me the book? A Yes, sir.

The witness presents a journal dated from September 20, 1898, to March 16, 1899, shewing the dates of professional visits, the names of the persons visited and cash received from persons. The last entry in the book is one as follows: Sallie Love, To one case Obst. $5.00. The date of this entry is March 16, 1899.

Q Doctor, to what does Obst. refer? A Obstetrics.
Q That is a case of confinement in childbirth? A Yes, sir.
Q Were you ever afterwards called upon for professional services for this same child? A No, sir; I never seen the child but the one time, the day it was born, and when I left there that settled it.
Q Do you know how long the child lived? A No, sir; I don't know; it's heresay.
Q Did any one ever tell you how long it lived? A Its mother said it lived about two weeks.
Q Where was the child born? A Born just about three miles and a half east of town here, on Elk Creek. Sallie now lives in the same house where it was born. Her husband now is named Joe Mash.
Q Who were Sallie's near neighbors at that time, do you know?
A Charley Mcoee, -Jane Love who lives now right here in town--that's Sallie's daddy--he had two nigger wives, Dorcas Love is Sallie's mammy. Tena Manuel lives close there, she was the granny. She wasn't there at the house during my visit there.
Q Doctor, was the child a healthy child when it was born, do you

[redacted] William Halvorsen.

[redacted] M. Pate, witness.

Examination by Commission.

[redacted]

[redacted] DANNY BOYD, being duly sworn, testified as follows:

By the Commission.

[redacted]

Q How long have you known her? A I have known her ever since she was born.

Q How close have you lived to her home all the time? A About half a mile.

Q Do you know her [redacted] A Yes, sir.

Q Did she [redacted] A No, sir, no other name.

Q Was her [redacted] A I can't tell you that, because it was good [redacted]

Q Are you [redacted] A Correct Halvorsen.

Q Are you [redacted] A Yes, sir.

Q Was the father of the other one? A Well now you will have to [redacted]

Q Do you know when it was born? A Well I couldn't tell exactly [redacted]

Q Was it a picture of the birth? A That is, I think [redacted]

Q Was it kind of [redacted] A Oh, they just wrote it down, I think, on a piece of something; that whole, I don't know to record doctor, I have no knowledge.

Q How old is William Bryant now? A He is two years old, sir.

Q Was the [redacted] William was born?

[redacted]

Q Was there a doctor there? A No, sir, just a picture.

Q Was he in attendance at the time the next child was born?

[redacted]

Q Was Pate there in attendance when William was born?

A No, sir.

Q Do you remember the amount that Dr. Pate charged for his services?

[redacted]

Q Was not at the birth of William Bryant or William Halvorsen?

A No, sir.

[redacted], being first duly sworn, testified as follows:

By the Commission:

Q [redacted] A Jonathan Kenneth.

[redacted] William Waters.

Josephine Bennett, sworn.
By the Commission:

[redacted] Cherokee.
[redacted] Yes, sir.
[redacted] Dave.
[redacted] sister.
[redacted] (to her mother) what was
[redacted] name is.
[redacted] William Bryant--they are
[redacted] yes, sir.
[redacted] They he died in August
[redacted] remember what month it was.
[redacted] do you remember the year as well? A Because I went to school
[redacted] year, I know the year they sent me off to school.
[redacted] that the year you were sent off to school? A I always
[redacted] to school right in the neighborhood, but they sent me off that
[redacted] you can read and write? A Yes, sir.
[redacted] there a record of the date of the birth and death of William
[redacted] A Well if it is, I don't know.

Oliver C. Minkle, being duly sworn, states that as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on June 28, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Minkle

Subscribed and sworn to before me this July 2nd, 1904, at Muskogee, I.T.

L. B. McCulloch
Notary Public.

My Commission expires Apr. 10 1907

No. 8756

[redacted]

vs.

[redacted]

In the matter of the application for the enrollment of William Malvern, Applicant, as a freed [redacted].

JOHN G. LIEBER & CHARLES D. [redacted], Attorneys for applicant.

DORCUS LOVE, being duly sworn, testified as follows:

EXAMINATION BY COMMISSIONER:

Q What is your name? A Dorcus Love.
Q How old are you? A I do not know, sir; I cannot tell you. (Witness appears to be about fifty-five years old).
Q What is your postoffice address? A Checotah.
Q Do you know Hallie Love? A Yes, she is my daughter.
Q Do you know a child of hers named William Malvern? A Yes.
Q Were you present when William Malvern was born? A I was.
Q Do you know what year he was born? A No, I cannot tell you because I have no remembrance and I keep no account.
Q Is William Malvern living? A No, he is dead.
Q How old was he when he died? A He was between three or four, I guess; he was just so he could sit alone.
Q Do you mean between three or four years, or three or four months? No, months.
Q Do you know Wash Williams? A Yes.
Q Do you know a child of his named McKinley Williams? A Yes.
Q Is McKinley living? A No, dead.
Q Did William Malvern die before or after McKinley Williams? A Away afterwards.
Q Was William Malvern living at the time McKinley Williams died? A Yes.
Q He had not been born yet had he? A Yes.
Q Did McKinley Williams die before William Malvern was born? A No.
Q You do not know the year that William Malvern was born in, do you? A No.
Q Do you know the month? A No.
Q Do you know the year that he died in? A No.
Q Do you know the month that he died in? A No, I cannot tell you.

EXAMINATION BY LIEBER:

Q What time of the year was it that William Malvern was born? A I cannot tell.
Q Was it Winter, Summer or Fall or Spring? A Spring.
Q What season of the year was it that he died? A In August.
Q Then he died in the Summer time? A Yes.
Q Did he die in the same year that he was born? A Yes—He was

ly between three and four months old---so he could sit alone.
was old enough to sit alone was he? A Yes.
u say you knew McKinley Williams? A Yes.
he related to you? A Yes, my oldest daughter's child.
is your grandchild, then? A Yes, my grandchild.
ich was born first McKinley Williams or William Malvern? A
Kinley.
ich died first? A McKinley died first.
d McKinley die before William Malvern was born? A William
lvern was born before McKinley died.
en after William Malvern was born McKinley Williams died? A Yes.
there a minister present at the funeral of William Malvern?
Yes.
t is his name? A Isom Ragen.

Y COMMISSION:
you know Rose Williams? A Yes, she is my daughter.
you know a child of hers named Lorena? A Yes.
Lorena die before or after William Malvern died? A She
d after---no, she died before.
long before? A I cannot tell that, sir, for I paid no
ention to it.
your daughter Rose Williams here to-day? A No.
r daughter, Rose Williams, testified in this case sometime
, and she said that she remembered when William Malvern died
ause her child, McKinley, died just two days before William
vern? A She was mistaken about that.
n if Rose Williams said that her child McKinley died just
days before William Malvern you think she was mistaken? A Yes.

SALLIE LOVE, being duly sworn, testified as follows:

f COMMISSION:
t is your name? A Sallie Love.
old are you? A Nineteen.
t is your postoffice address? A Checotah.
you the mother of William Malvern? A Yes.
what year was he born? A 1901.
old was he when he died? A About three or four months old.
you a sister of Rose Williams? A Yes.
you know a child of hers named Lorena? A Yes.
Lorena living? A No, she is dead.
ou know when she died? A Before my child, I believe.
long before? A I do not know, sir.
she die before your baby was born? A No.
month of the year was your baby born? A May.
day in the month? A 16th, I believe.
what month did he die in? A I think it was in August, but
day I do not know.
old was William Malvern when he died? A Between three and
months old.
you sure of that? A Yes.
you were here before in April, 1904, you testified that
as a year and six months old when he died? A He was a
and six months but he was done dead then, that was what I
trying to get at.
imony taken before the Commission April 25, 1904, the fol-
ng questions were asked you:
How old was he when he died? A A year and six months.
When was he born? A I don't know sir, when he was born.
t he was a year and six months old when he died.
Was this child living when you filed on your land? A

No, sir.
Q How long had he been dead? A He died in 1901; he wasn't born when I died.
Q How long has he been dead? A About two or three years.
Q How was he a week, a month, or a year, or 2 year and six months old when he died? A He was between three and four months old.
Q Why did you say he was a year and six months old when he died, and then later on you said that he was two or three years old when he died? A I meant a year and six months but he was already dead then.
Q Even if that was so--that you meant to say that he had been dead a year and six months--then your statement would conflict very much from April 28, 1904, could not be any earlier than November 1902---it could not be any earlier than that? A No sir.
Q Do you mean to say that William Malvern was born not earlier than November 1902? A No sir.
Q When was William Malvern born? A 1901.
Q What month and what day? A May 17th.
Q You are sure of that are you? A Yes, sure.
Q How long did he live? A About three or four months.
Q You are sure of that? A Yes.
Q Do you remember coming before the Commission here at Muskogee on the 28th day of April, 1904, and giving testimony in this matter? A Yes, I was up here once.
Q At that time you were asked the following questions and gave the following answers:
"Q Do you make application for the enrollment of William Malvern as a Creek Freedman? A Yes, sir.
Q Is he your child? A Yes sir.
Q Is he living or dead? A Dead.
Q How old was he when he died? A A year and six months old?" A Yes, I said a year and six months but I meant that was how long he had been dead.
Q You meant that he had been dead a year and six months at that time? A Yes.
Q Also, immediately after that you were asked how long he had been dead and you said about two or three years; do you mean to say that you said that he had been dead a year and six months? A I do not know.
Q Do you know the time that he died---when you testified in this case before you stated that he died in May 17th? A Dr. Pate came out and he said that he had it at home on his books, and that is what he told me and that is what I must say when I came up here. I did not know, and I just thought he knew.
Q You say that you did not know only what Dr. Pate told you? A Yes.
Q How did you find out about it? A A preacher Albert Sears; he told me. He has a record.
Q Do you remember going before a Notary Public named C. W. Hodges in September, 1901? A No.
Q Do you remember making out an affidavit about the birth of William Malvern? A Yes.
Q You made that out before Hodges didn't you? A No.
Q Who did you make out that affidavit before? A Nelson.
Q At the time that you made out that affidavit do you remember Rosa Williams also made out an affidavit? A Yes, my sister.
Q What time was it that she made that out? A I don't know.
Q How long since that affidavit was made out? A Three or four years ago.
Q How long had William Malvern been dead when you made that out? A He died in August as well as I can recollect.
Q You said in that affidavit that William Malvern died May 27, 1898,

[illegible], do.

Q. Is that correct? A. Yes.
Q. [illegible] A. I was going by Mr. Pete's
Q. [illegible] was born? A. Yes.
Q. [illegible] A. Yes, she was [illegible]
Q. Do you know a child of hers named [illegible]? A. Yes, William Malvern.
Q. How long before? A. [illegible]
Q. [illegible] or five days before? A. [illegible] when my baby was born.
Q. Do you remember [illegible] McKinley died? A. Yes.
Q. How long [illegible] McKinley died? A. [illegible] months.
Q. Do you know a child of hers named Lorena? A. Yes.
Q. How long did Lorena live after McKinley died? A. I don't know.
Q. Was she living when McKinley died? A. No, she came here after he died.
Q. Do you know that Lorena was born after McKinley died? A. Yes.
Q. How long had McKinley been dead when Lorena was born? A. I don't know.
Q. Had your child, William Malvern, been born when Lorena was born? A. Yes.
Q. William was born before Lorena then? A. Yes.
Q. Was William living when Lorena was born? A. Yes.
Q. How long after Lorena was born [illegible] your child, William [illegible]? A. Lorena died first.
Q. [illegible] how long after Lorena's [illegible]? A. [illegible]
Q. Was your child living when Lorena was born? A. Yes.
Q. Are you sure of that? A. Yes, sir.
Q. Which died first? A. Lorena.
Q. How long before? A. I do not recollect but it was two month, I think.
Q. Do you remember when McKinley Williams died? A. I do not.
Q. How long had McKinley been dead when your child, William, died? A. A long time.
Q. Was William in your [illegible]? A. Yes.
When she was here April [illegible], 1906, she was asked about William Malvern the following questions, and the following answers were given:
"Q. What month was it that William Malvern died? A. In [illegible] I know cause I have got a child [illegible]
Q. [illegible] which died first, [illegible] children? A. McKinley; they was both [illegible] about the same time.
[illegible]
Q. How long [illegible] McKinley die? A. I do not know.
Q. Was William living when Lorena was born? A. Yes.
Q. Are you sure of that? A. Yes.

The records of the Commission show that Lorena Williams was listed for enrollment April [illegible], 1906, at that time [illegible] relative to the birth of Lorena Williams, a copy of which is made a part hereof [illegible] said Lorena [illegible] of Lorena [illegible] that said Lorena died on the [illegible] of May, 1906.

Q [illegible] of William Halvern? A [illegible]

Q [illegible]

Q [illegible] A McKinley died away before [illegible]

Q [illegible] you know that? A I reckon that he died away before [illegible]

Q [illegible]

Q I will repeat [illegible] Lorena [illegible] William [illegible] Halvern [illegible] you are the other? A [illegible] died, and then after [illegible] died [illegible]

Q Are you positive of the month that William Halvern was born in? A Yes.

Q What month? A In May.

Q You are certain that he was born in May? A Yes.

Q Are you sure that William Halvern was born in May? A Yes, sir.

Q Was Lorena living when William Halvern was born? A Yes.

Q You are sure of that? A Yes.

Q And you are sure that your child was born in May? A Yes, how come I to know was because we was plowing [illegible] was in May.

Q And Lorena was living when McKinley was born? A No, she was living when William was born.

Q You are sure, then, that Lorena was living when William was born? A Yes, sir.

Q How old was Lorena when William was born? A I don't know.

Q Was she five or six years old? A No, she was not that old when she died.

Q Was she five or six months old? A I don't know.

Q And you are positive that William Halvern was born in the month of May, are you? A Yes.

Q And in the same year that Lorena was born? A Yes.

Q Awhile ago you stated that William Halvern was born in 1901? Yes.

Q The records of this Commission show positively that Lorena was living in April '99, and that she died in May '00? A She died before my child, he was here when she died.

Q Lorena was living when your boy William was living? A Yes.

Q Then William must have been living in 1899? A No.

Q And you now state positively that your child lived three or four months? A Between three or four months.

Q Are you positive that he did not live nine months? A It could kind of sit alone. May be it was nine, but I don't think it was.

Q You said that it lived between three and four months? A Yes, as well as I can remember.

Q You certainly know the difference between three or four months and nine months? A It was three or four months.

EXAMINATION BY JOHN O. [illegible]:

Q You say your child, William Halvern, was old enough to sit alone when he died? A Yes.

Q Do you know anything about figures? A No, I cannot read or write.

Q Do you know a four from a five? A No.

Q Do you know a five from a six? A No.

Q Do you know how many two and two makes? No.

Q Put two and two together how much do they make? A It makes four.
Q Two and five together, how much would they make? A Would make [illegible]...seven.
Q How much would three and five be? A I do not know.
Q You say that you do not know one figure from another? A No.
Q You say you know that Lorena Williams is a child of your sister's? A Yes.
Q Can tell the Commission which child was born first your child William Malvern or Lorena Williams? A Lorena was born first.
Q Was Lorena living at the time your child, William Malvern, was born? A Yes.
Q How long after William Malvern was born was it before Lorena died? A He was kind of large but he was young; he was about two or three months when Lorena died.
Q How long did your child live after Lorena died? A It was about two months, I guess, after Lorena died.
Q About how old was Lorena at the time she died? A I do not know, sir; I do not remember.
Q Was Lorena large enough to walk when she died? A She was trying to walk.

STATEMENT BY ATTORNEY FOR APPLICANT: We desire to call the attention of the Commission to the fact that the affidavit as to the death of Lorena Williams was made on the 7th day of January, 1908, nearly three years after the alleged date of the death of the child for whom the affidavit was made.

Q Your sister, Rose Williams, also had a child by the name of McKinley, did she not? A Yes.
Q Was McKinley elder or younger than Lorena? A He was elder than Lorena.
Q You mean to say that McKinley was born before Lorena was born? A A Yes, he was born before.
Q Do you remember when the land office first opened here at Muskogee? A No, but I was up here.
Q I do not ask you to tell me the date, but do you remember that circumstance? A I do not remember, but I was up here.
Q Well, did you hear about the land office opening here at Muskogee? A Yes.
Q You remember about that? A Yes.
Q Was McKinley living at the time the land office opened? A Yes, I think he was a baby.
Q Was Lorena living at that time? A No, it was not here then.
Q You mean Lorena was not born then? A Yes.
Q Was McKinley living at the time the land office opened? A Yes.
Q Are you sure of that? A Yes, I know she had a baby and I think it was McKinley; I was not staying close when she came here to file.
Q How far did you live from her? A I was at Okmulgee when she filed; I do not know how far it is.
Q She had a child then? A Yes, she had a child .
Q Was it McKinley or Lorena that she had at that time? A I do not know, sir.
Q Which was born first, McKinley or Lorena? A McKinley.
Q Then if Lorena was living at the time the land office opened here at Muskogee McKinley must have been born sometime before that? A Yes, McKinley I believe was a baby when they came up here to file.
Q You do not know anything about that positively, do you? A No, I am not certain which one it was.
Q How old was you when your child, William, was born? A I was---- I do not know, sir, how old I was-----let me see--I will be 29 the 7th of next month.

Q At the beginning of your testimony here you said you were nineteen, now you say you will be twenty-nine next month, which is correct? A I do not like much of being nineteen, but some time in next month I will be twenty-nine.
Q Do you know the difference between nineteen and twenty-nine? A No, but that is what people say; that is what my Uncle said; he said you are twenty-nine but you are just turning on to nineteen so I just said nineteen.
Q Do you mean that you are nineteen now or that you are nearly twenty-nine? A I am nearly twenty-nine that is what I am--- yes, twenty-nine.
Q Did you say that some one had a record of the birth of your child, William Malvern? A Yes, Albert Sears.
Q When did he make that record? A About a week after the baby was born.
Q Did you see him make the record of that child's birth? A Yes, he come there, at home, and asked me how old it was and I said it was about a week old, and he gets the date of it and puts it down.

BY COMMISSION:

Q Are you positive that your child, William Malvern, was born in the same year that your sister's child, Lorena Williams, was born in? A Yes.
Q Are you sure of that? A Yes, sir, Rose's baby was living when my baby was born.
Q You are positive that they were both born in the same year? A Yes.
Q And your child was born in May? A Yes.
Q How old was Lorena when she died? A She was kind o' large--- she was big.
Q About how old was she? A I don't know, sir.
Q About how tall was she? A About--(witness holds her hand about two and a half feet from the floor, indicating two and a half feet
Q Could she walk? A Yes.
Q How long had she been walking? A I do not know, sir.
Q Did you live near your sister, Rose, at the time Lorena died? A No.
Q How far did she live from you at that time? A She lived---I do not know---but I was staying at Oktaha when Lorena died. I do not know---she moved out there in the Winter time and it was in the Spring that she died; they had stopped plowing.
Q Which one died first Lorena or your child? A Lorena died before my baby.
Q About how long before? A About two months or a little over a month.
Q Then Lorena was living at the time your child, William Malvern, was born? A Yes.
Q Then Lorena died shortly after your child was born? A Yes.

BY CHARLES R. FREEMAN:

Q Was William Malvern living the year that you leased your land to LaFayette? A Yes, he was born in that year.
Q Did he die that year? A Yes.
Q Do you know what year that was? A What year that was?
Q Yes? A 1901, I think it was.
Q Have you got a copy of that lease? A Yes, I have it.
Q Have you it here with you? A No, at home.
Q You are sure, then, that the year you leased your land to LaFayette that is the year that William was born in? A Yes, that is the year.
Q How much was it Dr. Pate said he would charge before he would

testify in this case? A He said that if he came up here and testified he wanted half the land and I told him that I would give him half, and then when I went back he told me to draw up a note so that he could get half the land and when I wouldn't do that he said he would fix it so I couldn't get land.
Q When did you and he have that conversation? A Last Fall, I think.
Q Was that before he came with you and testified? A Yes, that was the time he drawed up the papers for me.

BY COMMISSION:

Q Dr. Pate came here and testified on the 2nd day of May, 1904, was that before or after he had that conversation with you? A It was before that; I went up there and saw him and told him that I got a notice from the Commission to come up and enroll for William and if he had it on the book and he said to come before it died and when he came up the baby was dead.
Q You remember Rose's child, McKinley, do you not? A Yes.
Q Was McKinley born the same week that your child, William Malvern, was born? A No, McKinley was born a long time before.
Q Do you remember when McKinley died? A No.
Q Did he die the same week that your child was born? A No.
Q Did he die the same week that your child died? A No.
Q Rose Williams testified before the Commission on the 7th day of March, 1905, and she was asked by her Attorney, Mr. DeGraffenreid, the following questions:
"Q Did old man George Malvin lose a child about the same time your child was born? A Yes, sir, and I will tell you what I know----my sister, Sallie Love, had a baby that died the same week----they were near the same age----it was born on the 16th and mine was born on the 19th, and my child died on the 5th and hers on the 7th." A The baby that she was talking about it was too young; it died before----and she was talking about that child.

BY JOHN G. LIEBER:

Q What was that child's name? A It had no name.
Q Different baby was it from either McKinley or Lorena? A Yes, before William was born.

BY COMMISSION:

Q You know what a month is do you? A Four weeks?
Q Yes? A Yes.
Q Do you know how many months in a year? A It takes twelve months to make a year.
Q You know the difference between a month and a year, do you not? A Yes.
Q How many months in a year? A Twelve.
Q And how long is a month? A Four weeks.
Q Now, can you tell me if your child lived as much as a year? A No, it did not.
Q Did it live as much as a half of a year, which is six months? A It came here in May and it died in August.
Q Are you positive of that? A Yes, sir, because it is the hottest month we have in the Summer.
Q And you are sure that it was the same year that Lorena was born? A Yes.

BY JOHN G. LIEBER:

Q You say your child died the same year in which Lorena was born? A Yes, my baby died in August and Rose's baby died two months before mine died.
Q Was your child William born the same year that Lorena was born? A Yes.
Q And you say Lorena died about two months before William was born?

Malvern, #8.

A Yes.

BY CHARLES H. TRUEHART:

Q Did you lose your mind once when you were sick? A I was crazy I reckon; I did not know anything of anybody. I had some of the white doctors and they called it walking fever I had.

DORCUS LOVE, being re-called, testified as follows:

EXAMINATION BY JOHN S. LITTLE:

Q What is your name? A Dorcus Love.
Q Rose Williams is your daughter, is she not? A Yes.
Q And she had a child by the name of Lorena, did she not? A Yes.
Q Which child was born first Lorena Williams or William Malvern? A Rose was not living with me when she had these children; she was living off from me; I cannot tell you about Rose's children, only Hallie -- she was living in the house with me.
Q How far was Rose living from you? A About four or five miles from me.
Q Do you know when Lorena was born? A No; I cannot tell you.
Q I do not want you to tell me the date, but I just want to know if Rose sent for you when Lorena was born? A No, she did not.
Q Did you get word shortly after it was born that it was born? A I got word in about two weeks after Lorena was born.
Q Was William Malvern born after Lorena was born or before? A I cannot tell you anything about it; I never kept any count and can't tell you.
Q William Malvern was the first child that your daughter, Hallie, had was it not? A Yes.
Q Did she have that child before or after your daughter Rose gave birth to a child, Lorena? A I don't know.
Q You ought to remember that, Aunt Dorcus, which child was born first? A I am telling you the truth, sir, for I paid no attention to them; I never went around there much -- you see she was away off from me.
Q Can you tell me this: Were Lorena and William Malvern both born in the same year? A I do not know, but I reckon it was.
Q I want you to tell me what you know about it, Aunt Dorcus? A Well, I am telling you the truth; I paid no attention to it and can't tell you anything about it.
Q You made an affidavit as to the birth of Lorena did you not, Aunt Dorcus? A I do not remember anything about that. I did Yes? A No, this is my first; I am telling you the truth.
Q Do you remember coming in to the land office when it first opened? A I came in to file, I filed for myself and children.
Q Do you remember making an affidavit at that time as to the birth of your granddaughter, Lorena Williams? A No, I came in and filed for myself and children, but I never did make out any affidavit.
Q Were you present when Lorena Williams was born? A No, it was Rose Manuel, I think, that was with Rose when Lorena was born.
Q Were you ever present when any of your daughter's children were born -- Rose, I mean? A I was present when Mckinley was born, because he was born in my house. She taken sick at my house when Mckinley was born.
Q Which child was born first Mckinley or Lorena? A Mckinley.
Q Was Lorena living at the time you made out your filed? A I do not think she was, it was when I first came to file.
Q Was Mckinley living when you came to make out your filed? A No.
Q He died before that, did he? A Yes.

Malvern, Jim.

Q Did you ever see Lorena Williams during her lifetime? A Yes.
Q [illegible] A [illegible]
Q Was Lorena living at the time William Malvern was born? A I do not know.
Q In fact died first Lorena or William? A I could not tell you now. I would have to study that first you see, but I believe it was William that first.
Q You think William died first? A Yes.
Q Did they both die about the same time, Aunt Dorcus? A No.
Q How many months and days, about, between their death? A I can not tell you that, Mr.
Q Was it several months or was it just a few months, or a few days, or what? A I cannot say because I paied no attention to it. After they died I thought that was the end of it.
Q Do you know anybody that would keep a record of the births and deaths of your children--that is children in your family? A None but Albert Reese; he has both the children's ages, if I mistake not.

BY COMMISSION:

Q Do you remember when you came up here to Muskogee to file on your land? A Yes.
Q Was William Malvern living then? A No, he was not born then.
Q How long after that was he born? A About two years.
Q Were William Malvern and Lorena Williams living at the same time? A Yes, they were living.
Q They were both living, were they, at the same time? A Yes, they were both living.
Q How long after Lorena died before William Malvern died, do you know? A I cannot tell you.
Q Do you know whether it was the same year? A I cannot tell.
Q Was William Malvern born the same year that Lorena was born? A I do not think he was. He was older than Lorena.
Q Was William Malvern older than Lorena Williams? A Yes, I thought so.
Q Do you know what month he was born in? A No.
Q Was William Malvern living when you came up here to file? A No.
Q Was he born then? A No, he was born two years after I came up here to file.
Q And you say that he was older than Lorena? A I do not know.
Q Was Lorena living when you came up here to file? A I do not know.

The records of the Commission show that a citizenship certificate was issued to Dorcus Love April 8, 1890, and that an affidavit, relative to the birth of Lorena Williams, purporting to be executed by Rose Williams and Dorcus Love was on that day executed and filed with the Commission.

Q It seems to be an established fact that Lorena Williams was living when you came up to file, now was William Malvern born in the same year that Lorena was born? A I do not know---I cannot tell you that.
Q Did Lorena live to be a year old? A No, I do not think she did.
Q And William Malvern was born before Lorena died was he? A Yes.

BY JOHN G. LEADER:

Q Are you sure that William Malvern was born when Lorena died? A I cannot answer for my recollection is short---I will be honest with you.
Q How long was it after you came up here to file was it before William Malvern was born? A About two years, I say.

Malvern.. #1,

BY COMMISSION:

ALBERT SEARS, being duly sworn, testified as follows:

Q What is your name? A Albert Sears.
Q How old are you? A Forty-two.
Q What is your postoffice address? A Cheecetah.
Q Are you a citizen of the Creek Nation? A No.
Q Are you a citizen of any Nation in Indian Territory? A No.
Q You are a white man, are you? A Yes.
Q Do you know Sallie Love? A Yes.
Q Are you any kin to her? A No.
Q Do you know a child of hers named William Malvern? A Yes.
Q Is that child living? A No, he is dead.
Q Are you any kin to him? A No.
Q Do you know when he was born? A Yes.
Q When? A May 16, 1901.
Q Are you positive of that? A Yes.
Q What makes you positive? A Well, I put it down and have a record.
Q How did it happen that you are not related to either the mother or the child and yet you kept a record of its birth? A By request of the mother, sir.
Q By the request of the mother? A Yes.
Q When did she request you to do that? A The mother and grandfather of the child requested me to keep a record of its birth.
Q When did the mother of that child ask you to make that record? A About two weeks or a week after the ch ild was born I was there and she asked me to make a record of its birth.
Q How did you happen to be there? Do you make it a practice to go around to people's houses and get the ages of thir children and make a record of them? A No, I was there on business.
Q When did William Malvern die? A He died August 27, 1901.
Q Are you certain of the year? A Yes.
Q Are you positive that he died in the same year that he was born? A Yes.
Q What makes you remember that? A I know that it was about three months and eleven days over that he died.
Q How did you know that? A I counted them after he died---three months and eleven days.
Q When did you do that counting? A Right after the child died.
Q Have you ever testified in this case before? A No.
Q Have you ever been requested to testify in this case? A Not until right recently.
Q When was that? A Yesterday, I believe it was.
Q Is that the first time that any one has asked you to testify? A Yes, sir.
Q Who asked you then? A The mother of the child asked me to--- she asked me if I had the record with me and I told her yes.
Q Had you talked to them about it before? A Yes, yesterday is all.
Q Had you talked to them about it between the time that the child died until yesterday? A Not until yesterday.
Q Do you make it a practice to put down the dates of the birth and death of other people's children? A Yes, by request.

BY JOHN G. LIKNER:

Q What is your occupation? A Minister of the Gospel, sir.
Q How long have you been a Minister of the Gospel? A Twenty years.
Q During that time where have you resided? A Where have I resided during that time?
Q Yes? A With June Love , father of Sallie Love.
Q Have you resided with him for the past twenty years? A Yes, eighteen or twenty years, somewhere about that.

Q You spoke of keeping a record of the births and deaths of different children, by request---did you mean to say that you kept a record of the birth and death of children that were the neighborhood---what do you mean by that? A Those that are connected with the family---June Love's family.
Q Then the record that you have is the record of the children and grandchildren in June Love's family, is it? A Yes, of some of them.

BY COMMISSION:

Q I will show you the record---the record of the birth and death of William Malvern, which you referred to, and will ask you to read from the record? A "Sallie Love's Family Record. William Malvern was born May 16th, 1901. William Malvern died August 27th, 1901.
Q Is that all the record you have of SallieLove's family? A That is all that I have.
Q I see on that page something that was written and then afterwards scratched over, what was that? A That was---I think it is---well, something-----anyhow it is Sallie's child that was born dead.
Q How long have you had this book in which this record is made? A I have only had it about seven years, sir.
Q Is that the original entry you made in this book of the birth and death of William Malvern? A Yes.
Q In other words this record has not been transferred from any other book, has it? A No.
Q And you say you made the record of this child's birth a week or two after it was born? A Yes.
Q When did you make the record of its death? A A short time after it died; two or three days after it died.
Q Were you present when William Malvern died? A No, I was at Okmulgee, but I came back a few days afterwards.
Q How long had you been at Okmulgee at that time? A About eight or ten days.
Q The child was living when you went there was it? A Yes.
Q And when you returned it was dead? A Yes.
Q You say you lived in the same house with June Love? A Yes.
Q Did Sallie Love live in the same house too? A No.
Q How far from there did she live? A She lived about a half of a mile at that time.
Q Did she live a half of a mile from them at the time of the birth of this child? A Yes.
Q Were you present when William Malvern was born? A I was not right there; I was away at the time---was out here on Corn Creek, eight miles from this place.
Q I want to call your attention again to the entry as it appears in this book, about the birth and death of this child, William Malvern: It says William Malvern was born May 16th---immediately following that is the 1, which you claim is a part of the 1901, the following last one looks as if it might be a dash---that would make it appear as if it was 1900 with a dash after it---are you positive that you did not write down May 16,1900? A Yes.
Q Are you positive that that was not meant for 1900? A Yes.
Q Are you positive that it was meant for 1901? A Yes.
Q And you are positive that it was meant for 1901 in the other? A Yes, I am positive, sir.
Q Have you written every bit of writing that is in this book? A Pretty near everything.
Q Have you made all the entries of any kind? A Yes, it is all my own handwrite.
Q Do you know Rose Williams? A Yes.
Q Did she ever live near you? A Yes, she lived close.
Q Did she have a child named Lorena? A Yes.
Q Did you know that child? A Yes, I remember it.
Q Do you know when it was born? A It ought to be in that book;

Malvern, #13.

I do not remember about that child; it was born near the same time that William was born.
Q When was it born? A In 1901.
Q Are you sure that it was born in the same year that William Malvern was born? A Yes.
Q Did you make an entry about her birth---Lorena? A No, I was not asked; I do not officiate in keeping the record of deaths and births only when I am asked to do so.
Q Which was born first Lorena or William Malvern? A I do not know, but it seems to me that they were close together---they may be just two or three days apart, more or less.
And the mother of Lorena did not request you to make an entry of her birth? A No, she did not request me to do so. Let me see---she---it might be in that book---I think I did put that down---if it is not in that book it is on some leaves that came out of that book, or on my ledger.
Q Did you ever look at this record from the time you put it down until the mother of that child spoke to you in regard to it the other day? A No, I payed no attention to it; it was yesterday that she told me, I believe.
Q Have you studied it since yesterday? A I have not.
Q Have you looked at it? A No, I payed no attention to it.
Q Then why do you remember the date so well without referring to the record? A Because she asked me about it.
Q Do you mean to say that just because you put down the date of the death of that child in your book, which according to your record was four years ago, and just because you were asked about it---do you mean to say that is why you remember so well without even looking at it? A Yes.
Q I find on another page, marked X, and entry as follows: "Gen. Lewis's Family Record. Johnson Lewis was born July 8, 1882, and died Fri. Nov. 4--1904." Did you write that? A Yes.
Q You did? A Yes.
Q When did you write that? A I was not here; I only got a letter and I put it down as they wrote it. I was preaching in the Choctaw Nation then.
Q What time was that? A Sometime in November last year.
Q You wrote those words "Johnson Lewis was born July 8, 1882, and died Friday November 4, 1904", did you? A Not all of it; the death was written after that.
Q Do you mean that you wrote the entry about the birth at a different ~~fxm~~ time from the entry about the death? A Yes.
Q When did you write the entry about the birth? A About eighteen years ago.
Q Did you write it in this book originally? A No, not in that book.
Q When did you make this writing here in this book about the birth of Johnson Lewis? A About seven years ago.
Q And these other few words about the death of Johnson Lewis you wrote last year? A Yes.
Q Are you sure you made this entry about the birth about seven years ago? A Yes, I did for a fact.

The writing of the entry just referred to, about the birth of that child which he says was written seven years ago, is compared with the entry of the birth and death of William Malvern, and it appears that the entry about William Malvern is at least as old as the other, in fact older.

BY JOHN G. LIEBER:
We respectfully call the attention of the Commission to the fact that all these entries were made with a lead pencil; that it is ~~impossible~~ difficult to tell whether

Malvern., Ark.

or got the entry or entries were made near about the same time, or at different times, by reason of the fact that they are made with a lead-pencil.

BY COMMISSION:

Q On the same page as the one on which is found the birth and death of William Malvern is found an entry which has been scratched out, and as near as possible to decipher same it is as follows: "Bob Delouse was born ----the 20 190---- and died the same day". Did you write that? A Yes.
Q When? A About the time of its birth.
Q When was that--about the time you made the record of William Malvern's death? A I do not know exactly, sir.
Q This writing, which was afterwards marked out, did you make it before or after you made the entry about William Malvern's death? A I think it was after the record of his death.
Q You did not make the record about the birth and death on the same day did you? A No, they were at different times.
Q How far apart? A Possibly it might have been a year, more or less, I do not know exactly.
Q Are you certain it was about as much as a year? A No, I would not be certain about that? I did not think that would ever be in question anyhow.
Q I am asking you about William Malvern--how long a time passed between the date of the record about his birth and the date of the record about his death? A I cannot tell that exactly.
Q I will ask you again--how long a time passed between the time you recorded this about William Malvern's birth and this about his death? A It was only about---nearly the same year about the death.
Q I am asking you between the time that you wrote these two lines about the birth how long before you wrote about the death? A I wrote the birth of William Malvern---I cannot answer that question right here.
Q How long was it between the time you wrote down this entry here about the birth of William Malvern until you wrote down this about the death? A About three months---a little more than three months from the time I wrote down the birth until I wrote down the death.
Q Are you positive of that? A Yes.
Q Where were you when you wrote this entry about the birth of William Malvern? A At Checotah.
Q Where were you when you wrote down this about the death? A At Checoath, the same place.
Q Where were you when you wrote down this that is marked out? A The same place, Checotah.
Q Do you remember when you wrote down this that is marked out? A I do not know exactly.
Q Were you present when William Malvern was born? A I was close, but not in the house. I came in a few days after his birth
Q How long after the birth of this child, William, until you saw it? A About a week or ten days, something like that.
Q Did you then put down this entry about the birth? A Yes.
Q At the time you first saw it? A Yes.
Q How did you know what to put down? A Sallie told me and from what she told me I counted back and got the exact date.
Q Were you present when William Malvern died? A I was up here to Blackjack, eight miles from here.
Q How long before you came back? A About the same week.
Q Did they tell you then when William Malvern died? A Yes.
Q And is that where you got the information about the second entry? A Yes.
Q From that they told you? A Yes.
Q Do you know whether anybody saw you make either of those entries? A Yes.
Q Who was present and saw you? A June Love.
Q Is he the only one? A His wife.

Q What was her name? A Fanny Love.
Q Is that all that was present? A All but the small children but there was none of the grown ones in the house when I was writing it.

BY JOHN G. LIKENS:

Q Who was present when you made the record of William Malvern's birth? A June Love. We went together over to Sallie's.
Q Was that record made at Sallie's house? A Yes, at her house.
Q Where was she? A In the house.
Q Sallie told you about the birth of her child William? A Yes, as near as she could.
Q She told you about the birth of her child as near as she could? A Yes, sir.
Q And you made the writing at that time? A Yes, sir.

BY COMMISSION:

Q Have you any other record of the birth and death of this child, William Malvern? A I do not know that I have of William Malvern. I have another Ledger but I do not think that his name appears in it; I had it in there and did not think it necessary to put it in another book.
Q Do you know Rose William's children? A Yes.
Q Do you know one of her children named Lorena? A Yes.
Q Do you remember about how long she lived? A From my recollection it appears two or three months.
Q Did Lorena live as long as a year? No.
Q Was William living when Lorena was living? A Yes.
Q Was William born before or after Lorena? A I do not know for sure.
Q Are you positive that William Malvern was living during the time that Lorena was living? A Yes, I am positive of that.
Q We have an affidavit here made out by Rose Williams and Dorcus Love before the Commission on the 8th day of April, 1899, and at that time they stated that Lorena was living in January of that year; how do you reconcile that with the statement that you have just made? A I do not think they know.
Q That affidavit was made two years before the date that you say Lorena was born, do you think that her mother knew that she was going to be born two years before she was born? A I was not requested to bother with that; I did not come for that purpose.
Q You stated that Lorena and William Malvern were living together at the same time? A Yes.
Q You also stated that Lorena did not live as long as a year, did you not? A Yes, I believe so.
Q Two years before the time that you say Lorena was born her parents came here and made out an affidavit in which they stated that Lorena was living, and now you state that she was born two years after that, how do you reconcile that with your statement? A I do not know, but I think my statement is truthful.
Q Were Lorena and William Malvern living at the same time? A I think so, for I think I am clear---I would not be positive but I think I am clear.
Q Do you understand that Lorena's parents and Dorcus Love came in here in April, 1899, two years before you say she was born, and that they made out an affidavit stating that Lorena was born in January of that year, and that she was then living---do you know that? A I did not know what they made and had not the matter clear before me.
Q From the fact that they came in here on the 8th of April, 1899, and said the child was living, are you sure that she was not born then? A I am not clear, sir---I am not clear.
Q Do you think that they knew about it two years before she was

born? A No, I do not think that.
Q Then I do not see how you can reconcile that with your statement? A I cannot account for that.
Q Was William Malvern living during the time that Lorena was living? A Yes.
Q Well, Lorena was living and died in the year 1899, two years before Lorena was born, according to your statement, now which is correct? A I do not think any of our statements are untrue, but I did not know I would be called upon about that child, and I am not positive about it.
Q Was that child, Lorena, living during the time that William Malvern was living? A Yes, I think it was.
Q Lorena was born and died in 1899? A I will say this in answer she had some children and I think it was Lorena that was born about the same time that William Malvern was born, but I payed no attention to it----it might not have been Lorena; I knew that there was a child near the age of William Malvern and I thought it was Lorena.
Q You think, then, that Rose Williams had a child living about the time that William Malvern was living, and that they were both about the same age? A Yes.
Q Do you think it was McKinley? A It might have been.
Q During last month Rose came in here and testified that her child McKinley died before the land office opened, and the records of the Commission show that the filed here in April, 1899, that is still two years before you say that William Malvern was born? A I am not clear as she did not request me to keep her children's ages, and I payed no attention to it.

BY LIEBER:
Q You do not know whether it was Lorena or whether it was some other child living about the time that William Malvern was living? A No, I do not know.
Q Do you know how many children Rose has had? A Six or seven, I think, somewhere along there. Rose's husband and I do not agree very well so I do not go about them.
Q How long ago did you fall out? A We did not fall out---I stayed away to keep from falling out.
Q How long since you disagreed? A About six or seven years, I guess.
Q Why did you state that Lorena was living when William Malvern was living? A I knew that Rose had a child living and I thought that it was Lorena, but was not positive as they did not request me to keep their ages. They did not ask me to keep a record

BY CHARLES R. FREEMAN:
Q When you answered that question awhile ago so ~~positively~~ positively about Lorena and William living at the same time, you simply had in mind some child of Rose? A Yes.
Q Then, you was not paying so much attention to the name as to the fact that it was a child? A Yes, sir.
Q Do you know whether Sallie has ever lost her mind, or that she has been a little off? A Yes.
Q Has she? A Yes.
Q When and how did that come about? A I do not know, but it has been some three or four years, may be more or less. She has never been what I call right bright.

CHARLES J. ESCOE, being duly sworn, testified as follows:

BY COMMISSION:
Q What is your name? A Escoe.
Q How old are you? A 48.

Q What is your postoffice address? A Emporia.
Q Are you a citizen of the United States? A I am.
Q Are you a Mongolian or an Indian? A Indian by blood.
Q Do you know Phillis Love? A Yes.
Q Is she any kin to you? A No.
Q Are any of her people any kin to you? A No.
Q Did you know a child of hers named William Malvern? A Yes.
Q Do you know when it was born? A In the Spring of 1901, along in May.
Q How do you know that? A Because I went over there two or three xxxxx weeks after it was born, and they told me that it was born then.
Q Was it named at that time? A I do not remember.
Q How do you know, then, that it was William Malvern? A I remembered the child after that, and that is what they call it.

BY JOHN G. LIEBER:
Q Did you see the child at that time, Mr. Escoe? A Yes, at the time I went over there.

BY COMMISSION:
Q Is that child living now? A No.
Q When did it die, do you know? A In the early part of August, 1901.
Q Did it die the same year that it was born? A Yes.
Q How do you know that? A Because old man Isom Regger buried it. We was working on a house--I was there--and they come up there and told him the baby was dead and he got down off of the house and went down there to bury the baby.
Q Did you live near these people about the time of the birth and death of this child? A I lived about a half a mile from the house.
Q Did she ever have any other children? A Yes, some I was told.
Q Do you know Rose Williams? A I do.
Q Do you know any of her children? A I know two of them.
Q What two are they? A Two of the larger children.
Q What are their names? A One is Walter--I do not know their names.
Q As close as you live to them you do not know their names? A No.
Q Did they ever have any other children besides those two? A Yes, there are several children, but I don't know their names.
Q Did they ever have any children born near the time that William Malvern was born? A I do not remember.
Q How far did you live from them? A A fraction of a mile--about a half or three quarters, I guess.
Q Did you ever hear that they had a child born about the time that William Malvern was born? A I did not.
Q Never heard about that at all? A No.

BY JOHN G. LIEBER:
Q How do you know that it was in August, 1901, that you and old man Regger was working on that house? A In paying a man I always put it down the date, what it is for and how much I pay--I always make a memorandum of such things.
Q Have you that memorandum? A Yes, at home and I can get it.
Q Is that the way you fixed that date in your memory? A Yes.
Q What was this old man Regger's occupation? A Workman and minister.
Q They came after him to officiate at the funeral of William Malvern, did they? A Yes.
Q And that was in August, 1901? A Yes.

BY COMMISSION:
Q How do you know that it was William Malvern who died? A They told me when they came up after Isom Regger that that was his name? I asked who it was that had died and they said William Malvern.

Q How do you know that was the same child that you heard them talking about? A As to that I do not know; they told me that was the child and that it was dead.
Q You stated that you went to the house shortly after William Malvern was born; did you not? A I did.
Q What did you go there for? A I go there sometimes because they are the nearest neighbors I have.
Q Did you ever visit Rose? A Yes.
Q How many times have you visited her? A About six or seven times, I guess, may be eight.
Q And all that time you never took the trouble to find out her children's names? A No, only Walter.
Q Can't you give the names of any of her other children? A No, only Walter.
Q Why do you recollect his name and do not remember any of the others? A Well, he is the eldest, I guess that is why.
Q Did you visit this Sallie more than you did Rose? A Yes, they were my closest neighbors.
Q Did you see Sallie's children more than you did Rose's children? A Yes.
Q Did you ever hear of any of Rose's children dying? A No.
Q You do not remember hearing that any of her children died? A No.
Q And you live in the same neighborhood, yet you never heard of any of her children dying? A I live three quarters of a mile from her.
Q How far do you live from Sallie Love? A I live a half of a mile from Sallie and three quarters of a mile from Rose.
Q How long have you lived there? A About nine years.
Q How is it that you live so close to Rose Williams and have never heard of any of her children dying, still you heard about William Malvern's death? A I don't know; I heard of William's death but never heard of any of Rose's children dying.

CHARLES R. FREEMAN, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A Charles R. Freeman.
Q How old are you? A Twenty-eight.
Q What is your posteffice address? A Checotah.

BY JOHN G. LIEBER:

Q What is your occupation? A Attorney-at-law.
Q Do you know Dr. Pate, who has testified in this case? A Yes.
Q Did you have a conversation with him sometime ago about this case? A I did.
Q What, if anything, did he say about what it would take to get him to testify in this case? A Mr. Lucas, my partner, told Dr. Pate that the Commission liked some testimony as to the birth of a child of Sallie Love; about a day or two after that I met Dr. Pate on the street and spoke to him with reference to it. I told him that some day I would like for him to come in my office and make out an affidavit concerning the birth and death of William Malvern. He used a cuss word and said that before he would testify they would have to make him a deed to half that land and that, by God, she had refused to pay her fee and he would have nothing more to do with hmxm her until that was done, and then we got after him to bring the books up to the office--- he promised to bring the m up two or three times and finally he got up to the office with this one, the ledger, and that book, and showed us an entry in there where he had charged her for tending on her, Sallie Love, at the time of the birth of that child, William Malvern

Q Please refer to that entry? A [illegible] is the item which he [illegible] and which [illegible]
"Sallie [illegible] May 16, [illegible] case of Obstetrics. [illegible]
Q How [illegible] A [illegible]
Q Is that [illegible] A Yes.
Q I will ask you to [illegible] if you find an entry there? A Yes, [illegible] of page [illegible] I find an entry which is marked out with a lead-pencil, and which reads as follows: "May 16, 1901. Sallie Love to one case Obstetrics.... $10.00."
Q How was that entry made, with pen or pencil? A Pen and ink.
Q And it has been marked out with a lead-pencil? A Yes.
Q Are there other entries preceding that one in that book? A Yes.
Q Please give the dates of the other entries--state the year? A I find on page 3[illegible] an entry dated May 19, 1900, and then further down August [illegible], 1900, and still further down September 24, 1900, and then on page [illegible] I find an entry dated September 7, 1900, and one September 4, 1900, and then the entry referred to May 16, 1901.
Q Have you in your possession the Day-book kept by Dr. Pate, from which the entries in this ledger were made? A Yes, I have here the day-book for 1901.
Q Look on that day-book and tell the Commission what you find? A I find here at the top of the page two items charged to different parties, dated 5/16-1901, with the remainder of the leaf torn out of the book.
Q What do you find on the opposite part of that portion of the leaf not torn out of the book? A 5/15-1901.
Q Just above that what do you find? A 5/12-1901. I find no reference or no charge made to Sallie Love there. I presume it has been torn out, as I see that a portion of the leaf is torn out.
Q Have you the day-book used by Dr. Pate in the year 1899 in your possession? A Yes.
Q Turn to the page in that book--day-book--on which entries were made about the 16th of March, 1899, and see if you find any reference as to charge being made against Sallie Love and, if so, state the circumstances of it. A The book begins with March 16, 1899.
Q Do you find any entry there about a charge being made against Sallie Love? A No.
Q Turn to May 16, 1899, and see if you find any charge made there against Sallie Love and, if so, what? A I find here to items one of which is charged to Sallie Love-- One case of Obstetrics)) $10.00.
Q How many charges on that page? A Two.
Q State whether or not they appear to have been made about the same time and with the same pencil? A No, the last entry referring to Sallie Love seems to have been made with a heavier pencil and at a more recent date, and seems to be blacker and in a different hand-writing.

BY COMMISSION:

Q I want to call your attention again to this ledger of Dr. Pate's. I will ask you to look on page 162, and read there the number of entries and the names of persons concerned? A October 15, 1899, Leona Hamel---one prescription.... $4.50.
Q I will now ask you to look at the fourth entry on the same page and read that? A April 17, 1900, J. P. Bell----one prescription.
Q Now turn to page 172 and read the second entry from the bottom of the page? A August 28, 1899, N. C. Perry---To one case Obstetrics... $xxxx
Q Turn to page 220 and read the top entry? A July 1, 1898, L. C. Jones.

[illegible] Pate.

Q [illegible] to page [illegible] and read the [illegible] entry? A [illegible]
Q [illegible] it was over the [illegible] chronological order? A [illegible]
Q [illegible] to skip [illegible] months of one year and then [illegible] through the book? A I find some items that way.

BY JOHN G. LIEBER:

Q Examine this ledger and state whether or not in the making up of the ledger it is made up of whole page accounts, half page accounts, and pages containing three accounts? A On examination of the ledger I find that the first part of the book is made up of whole page accounts, further over in the book there is a form for half page accounts, or two accounts to a page, and still further over near the back it is formed for three accounts to the page.
Q Beginning with an entry, which you read awhile ago, on page 391, which was an entry made in May, 1891, how far back do you go in that book before you find an entry which was made prior to the year 1900? A To the page---376.
Q State whether or not all the entries from page 376 to 391, inclusive, were made during the year 1900, or at a later date? A Yes, down to page 391.

BY COMMISSION:

Q Mr. Freeman, look on page 376 and read the second account from the top of the page---that is read the name and the date? A William Berghalf, January 2, 1900.
Q Is that account kept on a page that is divided into spaces for three accounts? A It is.
Q What is the date of the first account on that page? A December 29, 1889.
Q Turn to page 374 and read that account? A July 31, 1898.
Q Is that in the part of the ledger that is divided into three accounts to the page? A Yes.
Q Turn to page 372 and give me the dates of the three accounts on that page? A November 13, 1899, is the first; November 15, 1899, second; and November 16, 1899, the third. That is in the part of the ledger gotton up for three accounts to the page.
Q Does it appear, from an examination of that much of it, that Dr. Pate kept his accounts in chronological order? A A little out of order, yes.
Q Do you know Dr. Pate pretty well? A Fairly well.
Q Is it not a fact that he is a drunkard and a shiftless sort of a fellow generally? A No answer. Mr. Lieber objects to the question.

The objection is noted by the Commission and if it is later determ'ned that the question, if answered, is irrelevant to this case it will be stricken out.

Mr. LIEBER: I will state my objection in answering this question; it is not because I think Dr. Pate is the man he ought to be--the manner in which he has manipulated his books in an attempt to bribe the applicant in this case is sufficient evidence to me that he is not the man he ought to be. I merely objected to this question because it has no bearing on this case and it would save Mr. Freeman [illegible]

who is a citizen and the mayor of the same town in which Dr. Pate lives, from the annoyance of making a statement of this kind relative to one of his citizens.

Q The question, which I wish you to answer, I will repeat: Is it not a fact that Dr. Pate is a drunkard and a shiftless sort of a fellow, generally? A I have seen Dr. Pate drunk quite a number of times.
Q Do you consider anything that is written down in his books as reliable, if that be his character? A Not as reliable, sir, as if he was a man that did not drink to excess.
Q Do you consider that any record made by a man with a character like his would be reliable at all? A If he kept them himself I would not think the m reliable, but I understand that Dr. Pate has a bookkeeper.
Q How long have you lived in Checotah? A About two and a half years.
Q You stated awhile ago that you had a conversation with Dr. Pate, in which he stated that he would not testify in this case until he was given a deed to half the land? A Yes.
Q Did you tell him anything at that time? A Yes.
Q Did you tell him that you and your clients would comply with his wishes in that respect? A No.
Q Did you, at that time or since, offer him any fee to testify in this case? A No.
Q Did you make any remark to him to get him up here? A I do not remember that positively.
Q You stated awhile ago that after that conversation with him, that shortly after that you got hold of his books, did he bring these books to you? A Yes, he brought two of them.
Q Do you know what was the cause of this sudden change? A He brought the books because we had requested him to do so two or three times.
Q What if he had refused emphatically to bring them? A He did not refuse to bring the books, I spoke with reference to him coming here to give testimony.
Q Then you do not know why he brought the books? A Because he was requested to do so.
Q At the time he brought the books did you speak to him about coming in here and giving testimony? A No, he brought the books one morning when I was not there; Mr. Lucas had them and was looking over them when I went back to the office.

BY JOHN G. LIEBER:

Q Does Dr. Pate know that you have those books up here to-day using them in this case? A No.
Q You say that he only brought you two books? A Yes, the ledger and the day-book for 1899.
Q How did you get the day-book for 1901? A Mr. Lucas borrowed it from Mrs. Pate.
Q Mr. Lucas is your partner is he not? A Yes.
Q Mr. Freeman, the correctness of the changes made in that ledger was commented on awhile ago by the Commission because of the apparent unreliable character of Dr. Pate---the correctness of an entry made in a book of that kind would depend a great deal on the person making the entry would it not? A Yes.
Q In other words, if he was making a charge for his services there would be no reason for making the charge on a date other than the date on which the services were rendered? A None whatever.
Q If the entry was made for the purpose of extortion--to obtain money from other people--that would be an inducement to change

[illegible]

the [illegible] so as to satisfy the people would be [illegible] might be.

BY COMMISSION:

Q [illegible]

Q [illegible] a bookkeeper [illegible] his bookkeeper [illegible] A [illegible] heard that he had a bookkeeper.

Zera Ellen Parrish, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to before me this 12 day of April, 190[illegible].

Drennan C. Skaggs
Notary Public

No. 475.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Malvern, deceased, as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on April 25, 1904, Sallie Love appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of her son, William Malvern, deceased, as a Creek Freedman. Further proceedings were had May 2, 1904, June 23, 1904, and April 7, 1905. A copy of the testimony in the matter of the application for the enrollment of McKinley Williamson is made a part of the record herein.

The evidence shows that the said William Malvern, deceased, was born in the month of May 1899, and that he died prior to July 1, 1900.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said William Malvern, deceased, as a Creek Freedman and that the application for his enrollment as such should be denied and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Buck
Commissioner.

Muskogee, Indian Territory,
JUN 14 1905

J.813

Mn. 478.

Muskogee, Indian Territory, October 1, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of William Malvern, deceased, as a Creek Freedman, the Commission desires further evidence as to the dates of birth and death of said child.

You are advised that the name of the mother of said child is Sallie Love and her post office address, as shown by her testimony, is Checotah, Indian Territory.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 24, 1902.

Sallie Love,

Checotah, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your deceased child, William Malvern, as a citizen of the Creek Nation, you are advised that the Commission desires further evidence in the case.

You are hereby notified that you will be allowed thirty days from date within which to introduce before the Commission at its office in Muskogee, Indian Territory, additional testimony relative to the dates of the birth and death of said William Malvern, and in the event that no further evidence is offered within the time mentioned, the case will be adjudicated upon the record now before the Commission.

You are further advised to have Dr. D. M. Pate appear with his book containing the record bearing on the dates of the birth and death of said child, William Malvern.

Respectfully,

Chairman.

Register.

Cr.En. 475.

Muskogee, Indian Territory, June 27,1905.

Sallie Love,

Checotah, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, William Malvern, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.
LM-6-27-56.

Muskogee, Indian Territory, June 27, 1906.

John C. Lieber,
Attorney for Sallie Love,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William Malvern, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

IW-6-27-57.

Wr.No. 475.

Muskogee, Indian Territory, June 27,1903.

Charles R. Freeman,

Attorney for Sallie Love,

Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William Malvern, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

LM-6-27-03.

Chairman.

Cr.Enl. 678.

Muskogee, Indian Territory, June 27,1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William Malvern, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

IM-6-27-59.

Muskogee, Indian Territory, June 27,1905.

The Honorable,

[redacted] Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of William Malvern, deceased, as a Creek Freedman, including the decision of the Commission, dated June 14,1905.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

IM-6-27-60.

Ex 478

DEPARTMENT OF THE INTERIOR,
WASHINGTON, September 19, 1905.

I T D 8790-1905
IRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 27, 1905, the Commission to the Five Civilized Tribes transmitted the record of proceedngs in the matter of the application for the enrollment of William Malvern (deceased) as a Creek freedman, including the decision of the Commission dated June 14, 1905, denying said application.

July 19, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in said recommendation and the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying the application for the enrollment of William Malvern (deceased) as a Creek freedman is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure

Refer in reply to the following:
Land
50369-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 27, 1905, transmitting the record of the application for enrollment as a Creek freedman by Sallie Love for her son William Malvern, deceased.

June 14, 1905, the Commission decided adversely to the application.

The record shows that William Malvern was born in the month of May 1889, and that he died prior to July 1, 1900

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

C F Larrabee
Acting Commissioner

M M M
W

No. 476

Muskogee, Indian Territory, September 27, 1906.

M. L. Mott,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 19, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1906, denying the application of Sallie Love for the enrollment of her minor child, William Malvern, deceased, as a Creek freedman.

Respectfully,

Commissioner.

En. 476

Muskogee, Indian Territory, September 27, 1905.

Charles R. Freeman,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 19, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application of Sallie Love for the enrollment of her minor child, William Malvern, deceased, as a Creek freedman.

Respectfully,

Commissioner.

Enr 478

Muskogee, Indian Territory, September 27, 1905.

Sallie Love,

Checotah, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 19, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application made by you for the enrollment of your minor child, William Malvern, deceased, as a Creek freedman.

Respectfully,

Commissioner.

Ex. 475

Muskogee, Indian Territory, September 27, 1905.

John G. Lieber,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 19, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1905, denying the application of Sallie Love, for the enrollment of her minor child, William Malvern, deceased, as a Creek freedman.

Respectfully,

Commissioner.

Cor. Ex. #476

[redacted]

In the matter of the application of Mary [redacted] for the enrollment [redacted] Cherokee Freedman, [redacted] sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Lewis T. Brown, for the applicant, as agent.
Mr. W. W. Hastings, for Cherokee Nation, as attorney.

Q What is your name? A Mary Carson.
Q How old are you, Mary? A I can't tell you exactly how old I am, I think I am about 41.
Q What is your post-office? A I can't tell nothing about post-office, because I can't read.
Q You never get any letters or anything? A I gets no letters and I can't read.
Q What is the neatest post-office to you? A Muskogee.
Q Do you live in Muskogee? A Yes sir.
Q That would likely be your post-office? A Yes, sir.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir
Q Who do you want to enroll besides yourself? A Sam McCurtain.
Q How old is he? A I can't tell you.
Q He will have to enroll himself. Have you got any children under age? A I have got 3 boys, they are all of age; I have got one boy 17 years old; my children have got their rights in the Creek Nation.
Q How does that happen? A I don't know, but they have got their rights there and their land.
Q Why didn't you get a right there? A I don't know about that what is the reason I didn't get my rights there. They said I would have to get my rights here in the Cherokee Nation, as I drawed on this side.
Q Is your husband living? A Yes sir.
Q What is his name? A Bill Carson.
Q Is he a Creek? A No sir, he is a state man.
Q And you are a Cherokee? A Yes sir.
Q And your children are getting rights in the Creek Nation? A Yes sir.
Q Who is the father of those children? A He is dead, his name was Billy Perryman.
Q He was a Creek? A Yes sir.
Q Then you don't apply for anybody but yourself? A Any my mother.
Q Well they will have to come for themselves. Is your name on any of the rolls of the Cherokee Nation? A I guess so.
Q Did you draw what is known as the Strip money? A I drawed the Clifton.
By MR. BROWN:
Q What is your mother's name? A Katie Red.
Q By what name does she go now? A She always go Katie Vann before she was married, but she now goes by Katie Red.
Q She ever go by any other name? A She was married to Redmond Kernel, and now she goes by the name of Katie Red.
Q Her name must be Katie Kernel, then, she married Redmond Kernel? A Yes sir.
Q Where were you living when you first remember? A When I

first remember I was down here at Wewoka Falls. I was a little girl about that high when I came here in session in '66; I was a little girl, and that's all I can remember where I was living here at Wewoka.

Q How long did you continue to live around here with Nelson Roby at that time? A We lived here at that time about three years, and then we went over into the Cherokee country.

Q Where were you living 5 years ago? A In the Cherokee Nation.

Q What place? A I was living at Lillieplah a while and then in

Q What place? A I was living at Lillieplah awhile and then in Vinita a while and then in Claremore and then over there from there I moved away, after small-pox was in Claremore, they said it was small-pox there, and we tried to get a house to live in and they wouldn't let us have any house, and my husband went to Kansas City and we lived there in Kansas City about 4 months, and then we come back here the first of June . And I left part of my things with L. D. Daniel's wife, Patsy Daniels.

Q Where was that at? A That was in Claremore.

BY MR. HASTINGS:

Q You were born in the Choctaw Nation? A I can't tell where I was born at.

Q ThatIs what your mother told you you were born, wasn't it? A Well I guess that's where I was born at, in the Choctaw Nation.

Q You are 41 years old? A Yes sir.

Q You were born before the war ? A Before the war, no I don't think I was born before the war, because time peace was declared I was a little girl, just commenced walking about; don't know nothing about no master, and don't know nothing about no war at all.

Q You have lived over here at the Creek Agency about all of your life? A Yes sir, after times got so hard here, couldn't make nothing, we went over there.

Q You was a little girl? A Yes sir.

Q You were marrried over there? A Yes sir.

Q How many times have you been married? A I have been married twice?

Q How many children did you have of your first husband? A Why I a nt got only three.

Q And that's all you ever had? A I have got two children dead and three children living.

Q All them three children are enrolled? A Yes sir.

Q They are by your Creek husband? A Yes sir.

Q Where did you marry your last husband? A In the Creek Nation.

Q When did you marry him? A Me and him has been together about six years, I don't know what year it was we was married in; I can't keep count; I can't write nor do nothing.

Q What year did you move to the Cherokee Nation from the Creek Nation? A I lived in the Creek Nation before this railroad ever come through here, that's all the time I can remember, I can't read or write.

Q Don't get excited; you said three or four; you moved from the Creek Nation to the Cherokee Nation; now I want to know when that was? A I moved into the Cherokee Nation after the payment, I don't know the date of the month or the year.

Q You don't know one year from another? A No sir, I can't read nor write; I will tell you the truth.

Q Then you don't know how many years ago you was living there? A It has been three or four years since I moved from the Creek Natian to the Cherokee Nation .

Q Where did you move to? A To Lilliepah, and stayed there the whole winter and summer through, and then moved to Ceffayville and stayed there three weeks and then I come

to Lillieyah and stayed there the whole winter through until March, and then I moved to Vinita.

Q How long did you stay at Vinita? A I stayed there 2 years and then went to Clarmore.

Q How long did you stay in Clarmore? A I stayed there 2 months and from there I went to Kansas City.

Q When did you come back from Kansas City? A I come back from Kansas City the first of June.

Q This last June? A Yes sir.

Q Where are you living now? A I am living in Muskogee.

Q You were born in the Choctaw Nation? A I guess that's where I did born, I don't know where I born at.

BY COM'R NEEDLES:

Q What name did you go by? A Mary Carson is my name they have got

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows: page 170 #182, Mary Parson, Cooweescoowee District, age not given.

1880 authenticated roll, 1896 census roll and Wallace roll of the citizens of the Cherokee Nation examined and the applicant identified on none of said rolls.

Q How did they happen to get it on there as Parson? A That's my husband.

Q But how did they get it on the roll as Parson? A I don't know, they put it on there, you will have to leave it to them what done the writing; I told them it was Mary Carson, they put it down Mary Parson.

Q How did yuu find that out? A Because I heard my name called out.

Q You got the money al l the same didn't you? A Yes sir I got the money when they give it to me; I didn't take it, they give it to me.

Com'r Needles: Applicant asks, by attorney, that the testimony taken in the matter of the enrollment of Katie Kernel, on D. card 1047, be made a part of the record in the case at bar; and same is ordered.

Com'r Needles: Mary Carson applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She is only identified upon the Kern-Clifton roll, as Mary Parson, but duly identified as the applicant. By reason of the fact that her name is not upon the authenticated roll of 1880, and the further facts set forth in the testimony, Mary Carson will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting the further consideration of the Commission. She will be notified at her post-office address of the action of the Commission when a conclusion is arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case

Subscribed and sworn to before me this 25th. day of September 1901.

(Signed) C. R. Breckinridge.
Commissioner.

I, Harriett E. Arbuckle, on oath state the above and foregoing is a true and correct copy of the original.

Harriett E. Arbuckle

Subscribed and sworn to before me this 27 day of March, 1906.

J. K. Dennett
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 25, 1904.

In the matter of the application for the enrollment of Flora Franklin, Louanna Mullen, Floressa Mullen, and John Mullen, as Creek freedmen; also for the enrollment of Sarah Ann Drew, Marinda, Tommie, Willis, Maleah, Ada, Shaddie, Fanny, Maty and Son Humphreys, as Creek freedmen.

Flora Franklin being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Flora Franklin.
Q How old are you? A Close on to 70.
Q What is your post office address? A Ridge.
Q Do you make application to be enrolled as a Creek freedman? AYes.
Q Where do you live? A Out on Cane Creek.
Q In the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Its going on 15 years since I have been on Cane Creek.
Q How long have you been in the Creek Nation? A About 25 years.
Q Where did you live before that? A I come from Alabama; I was born in Alabama and come with the Indians here.
Q You say you have lived in the Creek Nation 25 years? A Yes sir. And before that I was in the States; on Red River.
Q In Texas? A Yes sir.
Q How long did you live in Texas? A I can't tell you.
Q Did you move to Texas before the War? A Yes sir; I followed my mistress there; she was a Creek.
Q Did you live in Texas from that time you moved here until you came to the Creek Nation? A Yes sir.
Q Did you ever draw any money from the Creek Nation? A Not a dime but they gave us the privilege of the land, the wood and the water.
Q To what town in the Creek Nation do you claim to belong? A I can't call the name now: Canadian town (prompted by her sister). There where my father belonged.
Q What was the name of your father? A Monday Durant.
Q Was he a citizen of the Creek Nation? A Always was here; my mother was a Creek.
Q I asked you if he was a citizen of the Creek Nation? A Yes sir.
Q Do you know Susan Durant? A She was my stepmother.
Q Do you know Bill Durant? A My brother.

The roll made by J.W.Dunn, prior to March 14, 1867, examined and the name of the applicant's father, Monday Durant, found thereon at #1350, Canadian town.

The 1890 authenticated tribal roll of the Creek Nation and the

1895 pay roll of said nation examined, and the name of the applicant not found thereon; the 1890 omitted and 1895 omitted roll examined and the name of the applicant not found thereon.

The records of the Commission examined and it appears that on September 5, 1896, the applicant applied to the Commission for admission to citizenship in the Creek Nation under the provisions of the act of Congress June 10, 1896 (29 Stats., 321), and included in the application were her children, Marinda Humphrey, Jane Roberts Sarah Parish, Paralee Mullen and Keish Loren; that the application was denied and that no appeal was taken from the judgment of the Commission.

The records of the Creek citizenship Commission commonly known as the Colbert Commission examined and it does not appear that application was made to said Commission for the admission to citizenship in the Creek Nation of any of the persons named in the application made to the Commission to the Five Civilized Tribes.

Q Is there anything else you want to state about the application?
A I have got lots of grandchildren; I want to get them in.
Q What are their names? What is the name and age of the oldest?
A Louanna Mullen.
Q How old is Louanna? A I don't know exactly; about --- -
Q Is she grown? A No sir.
Q Is she nearly grown? A I guess she's over 12 years old.
Q What is the name of the next one? A Floressa Mullen. I think she's over 11 years old.
Q What is the next one? A John Mullen; he is about 9 or 10.
Q What is the name of their mother? A Paralee Mullen.
Q Is she your daughter? A Yes sir.
Q Did Paralee live with you up to the time she married? A No sir I moved off to Cane Creek.
Q Did you leave herm in Texas? A No sir, she died right here in Muskogee.
Q Did she live with you up to the time she married? A Yes sir.
Q Did she come with you from Texas? A Yes sir.
Q She lived with you all her life up to the time she came with you to the Creek Nation? A Yes sir.
Q Did she ever draw any money from the Creek Nation? A No sir.

The roll of the 1895 payment and the 1890 authenticated rolls of the Creek Nation examined and the name of Paralee Mullen not found thereon; the 1891 and the 1895 omitted rolls of said nation examined and the name of Paralee not found thereon.

The records of the Colbert Commission examined and it does not appear that application was made to said Commission for the admission to citizenship in said nation of any of the persons named.

Q What was the name of the father of these children? A John Mullen
Q What was the name of the father of Paralee? A Willis Loren.
Q Was he a citizen of the Creek Nation? A No sir; he went from here.
Q Is John Mullen living or dead? A Living.
Q Is he a citizen of theCreek Nation? A No sir.
Q Is there anything else? A I think that's about all I have got.

Witness excused.

(Sarah Ann Drew, sister of Flora Franklin, and Marinda Humphrey, daughter of Flora Franklin, are present and desire to make application for the enrollment of themselves and their children; their applicationsare taken separately, but all included in the same case.)

Sarah Ann Drew being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Sarah Ann Drew.
Q How old are you? A I am sixty something.
Q What is your post office address? A Choska.
Q Do you make application for enrollment as a Creek freedman?
A Yes sir.
Q Where do you live? A About 6 miles beyond Choska.
Q In the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Going on 25 years.
Q Where did you come from to the Creek Nation? A Right from Texas
Q How long did you live in Texas? A I don't know exacly; between 11 and 12 years.
Q Did you stay in Texas till you came back to the Creek Nation 25 years ago? A Yes sir; my father Monday Durant, written for us to come here, and after we come we applied to the chief and told him that his children had come home and now he wanted to make application for their citizenship and he told him to wait a while and he would give him an answer and he did so.
Q What was the answer? A He said that he would grant him the privilege of the land, the wood and the water the same as the rest of them, all but the annienuties until the council; but in the fall we was to be made citizens the power was ther. but through theirneletfulness, this man dropped off and died before they finished the work and after that we lived here on the strength of what he said, but they never did adopt us whole; and that's the way we stayed until they cut up the land, then we commenced to applying again.
Q But you were never admitted to full citizenship? A Never was permitted to full citizenship.Our names has been carried before five different people.
Q You never drew any money from the Creek Nation? A No sir.

The 1890 authenticated tribal roll of the Creek Nation and the 1895 pay roll examined and the name of the applicant not found thereon; nor on the 1891 or 1895 omitted rolls of said nation.

Q Did you apply to this Commission the same time your sister did, 3 or 4 years ago to be enrolled? A Yes sir.
Q What name did you go by then? A My first name was Sarah Toddthen

Records of the Commission examined and the applicant not identified as having made application for citizenship in the Creek Nation to this Commission under the act of June 10, 1896, under any of the names given by her; nor does it appear that she made application under any of said names to the Colbert Commission for citizenship in said nation.

Recessed.
Marinda Humphreys being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Marinda Humphreys.
Q How old are you? A I am about forty.
Q What is your post office address? A Muskogee.
Q Do you make application for enrollment as a Creek freedman? A Yes sir.
Q Give me the names and ages of your children you want to apply for. A Tommie Humphreys; he is going on 21.
Q Next? A Willis Humphreys. He is going on 19.
Q What is the next? A Maleah Humphreys; going on 14; she is.
Q Next? A Ada Humphreys; 12.
Q Next? A Shaddie Humphreys, she is ten.
Q Next? A That's all.
What is the name of the father of these children? A Thomas Humphreys.
Q Is he a citizen of the Creek Nation? A No sir.
Q A citizen of any tribe in Indian Territory? A No sir.
Q State man, is he? A Yes sir.
Q Where do you live? A In the Creek Nation
Q How long have you lived in the Creek Nation? A About 25 years.
Q Where did you come from? A Texas.
Q Did you live in Texas all your life until you came to the Creek Nation? A Yes sir.
Q You are the daughter of Flora Franklin, are you? A Yes sir.
Q You claim your right to enrollment and that of your children through her? A Yes sir.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q Have you a daughter that is married? A Yes sir; two of them, Alice Lewis is one.
Q How old is she? A About 32.
Q She is married is she? A Yes sir; that was her husband that was here.
Q She lives in the Creek Nation, does she? A Yes sir.
Q She has never drawn any money in the Creek Nation? A No sir.
Q Her rights, if she has any, come through you? A Yes sir.
Q You have another daughter? A Yes sir, Fanny; she's about 24; she is unable to come.
Q Has she got any children? A Yes, two.
Q What is the name of the oldest? A Maty and Son.
Q How old is Maty? A About one and a half years.
Q That's too young; how old is Son? A About 5 years old.
Q What is the name of Son's father? A Will Lewis; he is a stateman
Q The rights of this daughter and her child, if they have any, come through you? A Yes sir.

The 1890 authenticated roll and the 1895 pay roll of the Creek Nation examined and the names of none of these applicants found thereon.

[redacted]

Henry G. Haims being sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 26, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haims

Subscribed and sworn to before me this 26th day of April, 1904.

Chas. N. Sawyer

Notary Public.

3913

No. 476.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Flora Franklin, Louanna Mullen, Floreesa Mullen, John Mullen, Sarah Ann Drew, Marinda Humphreys, Tommie Humphreys, Willis Humphreys, Maleah Humphreys, Ada Humphreys, Shaddie Humphreys, Fanny Lewis, Maty Lewis, Son Lewis and Alice Lewis as Creek freedmen.

D E C I S I O N.

The record in this case shows that on April 25, 1904, Flora Franklin appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her three grand-children, Louanna, Floreesa and John Mullen; that on the same day Sarah Ann Drew made application for enrollment; that on the same day Marinda Humphreys made application for the enrollment of herself and her children, Tommie, Willis, Maleah, Ada and Shaddie Humphreys, Fanny and Alice Lewis, and her grand-children, Maty and Son Lewis, all as Creek freedmen.

The evidence shows that none of the applicants are identified on the roll made by J.W.Dunn prior to March 14, 1867, nor on any tribal roll of the Creek Nation in the possession of the Commission; that the applicants, born since the preparation of the Dunn roll, are not the descendants of a person or persons whose names are found on said roll, nor are they, or any of them, the descendants of a person or persons whose names are found on the 1890 or 1895 rolls of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been admitted to citizenship in the Creek Nation by the tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It appears that on September 3, 1896, application was made to the Commission for the admission of Flora Franklin and her children, Marinda Humphrey, Jane Roberts, Sarah Pariah, Paralee Mullen and Ketch Loren, under the provisions of the act of Congress, June 10, 1896 (29 Stats., 321); that the application was denied and that no appeal was taken from the judgment of the Commission.

It is the opinion of the Commission that Viera Franklin, Louanna Mullen, Florence Mullen, John Mullen, Sarah Ann Drew, Marinda Humphreys, Tommie Humphreys, Willie Humphreys, Maleah Humphreys, Ada Humphreys, Shaddie Humphreys, Fanny Lewis, Katy Lewis, Son Lewis and Alice Lewis are not entitled to enrollment as Creek freedmen as provided by the acts of Congress, June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), or any of said acts, and that the application for their enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

T. R. Rustinizza.

COMMISSIONER.

DATED AT MUSKOGEE, INDIAN TERRITORY

May 24. 1904

2

2305

Department of the Interior,
RECEIVED
SEP 26 1902
No. 57720
Indian Territory Division.

66

Department of the Interior,
RECEIVED
AUG 13 1902
No. 50358
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.
FEB 10 1906
Returned with No. 2382
Inclosure 3 IND. TER. DIV.

Muscogee Ind. Ter.
Aug 8-1902

Mr Secatery of Interior
Dear sir; I made application to the dawes commission for Inrollement as siterson of the creek nation some month's ago. and was rejected and was infaimed by my attorney that my application was gone before you if so please write and let me know

Mrs Flora Franklin
When answer Mail your litter to muscogee Ind Ter in care of Sarah Parrish.

POOR ORIGINAL
BEST AVAILABLE

Muskogee Ind Ter
May 19 1904

Department of the Interior,
RECEIVED
MAY 23 1904
No. 4199
Indian Territory Division.

Dear Sir I had a Subject of
Great Importance that I Wish to
Write to you Honorable Secretary
of the Interior in Regards of
I Flora Franklin the Daughter
of Monday Durant I Was Admited
to Improve a farm and I Thought
that I Was on the Roll un till
the Filing Began and they
Filed on My Place and left
me With out a Home I has
Been Near 25 years and it Was No
My Fault That I Was not on
the Roll Ever Since the
filing Began I has Made
Applications after Application
and has Not obtain My
Satisfaction Please Look
on the Roll and See if you
Can find the Home of My
Father Monday Durant My
Sisters and Brothers
Will Durant
Emily Durant
Stephens Durant
and Sarah Durant

DEPARTMENT
Returned with
Indian

POOR ORIGINAL
BEST AVAILABLE

it Was a List Signed By the
Council Mens By the Forest
Council that Removed of
My Case they Claimed that
I Hav had Sent in My
Application and I Want to
No Wheather it is so or
not they Say it Was Sent
in the 1903 I am old and
Blind and Dont No how
to Transact Business and
they Told me Eny thing
and I Thought I Would
Write to you In Regards
of My Case I Want to No
if you Can have a Reopenin
I for My Case for it Was
Not My fault that I am
not on The Roll Mr
A.S. McClop Writen up the
List of Signers Signers
in Nov 1903 and Turned
it over to one Jose Roberts
one of the Council Mens
the Said Jose Roberts
Claims that the Answer
Came Back to the Dawes
Commission We want to here from
you

Department of the Interior

Commission to Five Civilized Tribes.

Transmits record in matter of application for enrollment of Flora Franklin, et al., as Creek Freedmen.

Inclosures 1

35670 | Indian Office, Incl. No. 1 | 1904

Department of the Interior, RECEIVED. OCT 12 1904 Enc. No. 4 of No. 10208 Indian Territory Division.

DEPARTMENT OF THE INTERIOR. FEB 10 1906 Returned with No. 238 Inclosure 9 IND. TER. DIV.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES.
C. R. BROCKUNIER.

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

[redacted]

Muskogee, Indian Territory, [redacted]

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Flora [redacted], et al., as Creek freedmen, including the decision of the Commission dated May 24, 1904, denying said application.

Respectfully,

Chairman.

Through the Commissioner

Of Indian Affairs.

HGH-24-25.

80.

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. H. BEECHERBROOK.

WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Creek En. 478

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 25, 1904.

Marinda Humphreys,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself, your children, Tommie, Willie, Maleah, Ada and Shaddie Humphreys, Fannie and Alice Lewis, and your grandchildren, Maty and Son Lewis, as Creek freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

HGH-23-25.

Creek En. 476.

Muskogee, Indian Territory, May 25, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Flora Franklin, et al., as Creek freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

HGH-20-25.

803

Creek En. 476.

Muskogee, Indian Territory, May 25, 1904.

Sarah Ann Drew,

Choska, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the five Civilized Tribes in the matter of your application for enrollment as a Creek freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

HGH-22-25.

Muskogee, Indian Territory, May 25, 1904.

Flora Franklin,

Ridge, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and grand-children, Louanna, Florence and John Mullen, as Creek Freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

MJH-21-30.

Rm. 476.

Muskogee, Indian Territory, July 11, 1906.

Wolfenberger & Jenkins,
Attorneys for Marinda Humphreys,
Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your application for a rehearing in the case of Marinda Humphreys, applicant for enrollment as a Creek freedman.

The motion is herewith returned for the reason that service of a copy thereof on the Creek Attorney is not shown.

The record in the case having been transmitted to the Department the motion should be addressed to the Secretary of the Interior and should be in triplicate, one copy to be served on the Creek Attorney, one copy for the Commission's files and the original for transmission to the Department.

Respectfully,

Commissioner in Charge.

HOH-1-11.

886

No. 676.

Muskogee, Indian Territory, July 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

May 25, 1904, the Commission transmitted to the Department its decision denying the application for the enrollment of Flora Franklin, et al., as Creek Freedmen. Marinda Humphreys is included in the application and decision.

July 19, 1904, Wolfenberger & Jenkins, attorneys for Marinda Humphreys, filed with the Commission a motion asking that the case be reopened in order that further evidence may be introduced. The motion appears to have been properly served on the Attorney for the Creek Nation and is herewith inclosed.

In view of the evidence in the case now before the Department, it is respectfully recommended that the motion be overruled.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

HCM-3-30.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS,

Land
52163-1904.

Washington, October 11, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 30,1904, transmitting the record of the application for enrollment as Creek freedmen by Flora Franklin for herself and her three grand children, Louanna, Floressa and John Mullin; by Sarah Ann Drew for herself; by Marinda Humphries for herself and children, Tommie, Willis, Maleah, Ada and Shaddie Humphries, Fannie and Alice Lewis, and her grand-children, Maly and Son Lewis.

May 24, 1904, the Commission decided adversely to all of the applicants.

The record shows that none of the applicants has ever been recognized, enrolled or admitted to citizenship by the Creek Nation or any tribunal relating thereto; that the applicants born since the Dunn roll are not the descendants of a person,or persons, whose names are found on said roll, nor are they descendants of a person, or persons, whose names are found on the 1890 or 1895 rolls of the Creek Nation.

It further appears that on September 3, 1896, application was made to the Commission for the admission of Flora Franklin and her children, Marinda Humphrey, Jane Roberts, Sarah Parish, Paralee Mullen, and Ketah Loren, under the provisions of the act of Congress June 10, 1896,(29Stats., 321); t at the application was denied and no appeal was

taken from the judgement of the Commission.

The petition for reopening filed herewith has been carefully considered.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.M.
W.

DEPARTMENT OF THE INTERIOR. 13

I.T.D.12808-1904. WASHINGTON, THE.

L.R.S.

October 18, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

October 11, 1904, the Acting Commissioner of Indian Affairs submitted the Creek freedman enrollment case involving the application of Nelra Franklin, for herself and grand children, Louanna, Florence and John Mullen; of Sarah Ann Drew for herself; of Marinda Humphreys, for herself and children, Tommie, Willis, Maleah, Ada and Shaddie Humphreys, Fanny and Alice Lewis, and her grand children, Maty and Ben Lewis, and recommended that your decision of May 24, 1904, adverse to the applicants, be approved. The Acting Commissioner states that the motion for rehearing submitted with the papers has been carefully considered.

The Department finds nothing in the motion warranting the granting of a rehearing, and the motion is accordingly denied. Finding no reason to disturb your decision, it is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos.Ryan,

Acting Secretary.

1 inclosure.

No. 476.

Muskogee, Indian Territory, October 26, 1904.

Flora Franklin,

Ridge, Indian Territory.

Madam:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 24, 1904, denying your application for the enrollment of yourself and your grand-children, Louanna, Florence and John Mullen, as Creek freedmen.

Respectfully,

Chairman.

Registered.

No. 674.

Muskogee, Indian Territory, October 28, 1904.

Marinda Humphreys,
Muskogee, Indian Territory.

Madam:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 24, 1904, denying your application for the enrollment of yourself and Tecumie, Willis, Malcah, Ada and Thandie Humphreys, Fanny Alice, Katy and Don Lewis, as Creek freedmen.

Respectfully,

Chairman.

Registered.

[illegible],479.

Muskogee, Indian Territory, October 26, 1904.

Sarah Ann Drew,

Okeoka, Indian Territory,

Madam:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 24, 1904, denying your application for the enrollment of yourself as a Creek freedman.

Respectfully,

Chairman.

Registered.

E.M.-476.

Muskogee, Indian Territory, October 28, 1904.

Wolfenberger & Jenkins,
Attorneys for Flora Franklin, et al.,
Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 24, 1904, denying the application of Flora Franklin for the enrollment of herself and grand-children, Louanna, Florence and John Mullen; of Sarah Ann Drew for herself; of Marinda Humphreys for herself and grand-children, Fannie, Willis, Malcom, Ada and Shaddie Humphreys, Fanny and Alice Lewis, and her grand-children Maty and Dan Lewis, as Creek freedmen.

Respectfully,

Chairman.

M.-476.

Muskogee, Indian Territory, October 26, 1904.

M. L. Mott,

Attorney, Creek Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 24, 1904, denying the application of Flora Franklin for the enrollment of herself and grand-children, Lemanna, Florence and John Mullen; of Sarah Ann Drew for herself; of Marinda Humphreys for herself and grand-children, Tommie, Willie, Malcah, Ada and Shaddie Humphreys, Fanny and Alice Lewis, and her grand-children, Maty and Son Lewis, as Creek freedmen.

Respectfully,

Chairman.

73003

Department of the Interior,
RECEIVED.
OCT 12 1904
Enc. No. 2 of No. 12845
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.
FEB 10 1906
Returned with No. 3 [illegible]
[illegible] IND. TER. DIV.

Notary Public

Commission Expires
June 18th 1918

Department of the Interior
Received
OCT 13 1904
Land Office at Lewiston, Idaho

DEPARTMENT OF THE INTERIOR
OCT 1 1904
Returned to

2303

In the matter of the application of Marinda Humphreys to be enroled as a Creek Freedman Citizen.

To the Secretary of the Interior:

Your petitioner Marinda Humphreys would most respectfully represent that she with her mother Flora Franklin made application to the Dawes Commission to the Five Civilized Tribes to be enroled as Creek Freedmen Citizens. That enrolement was denyed them on the evidence which was submitted to the Commission, and that since then your petitioner has learned that all the evidence of which the case was susceptiable was not brought out in said hearing.

She states that she is a daughter of Flora Franklin who was brought to this country as a slave in the year of 1850, when the Indians were moved to this country. That she was born in the Creek Nation and lived here until the Civil War betoen the States when she was taken with her Mother Flora Franklin by their Mistress Sarah Ann. Mc.Daniel to the state of Texas, where she remained with her said mother until after the close of said war.

That in the latter part of the year of 1866 her mother returned to the Creek Nation to visit her father and to see her brothers and sisters, and for the further purpose of claiming her rights as a Creek Freedman Citizen for herself and children.

That Flora Franklin returned to the state of Texas in the early part of the year of 1867 and removed ~~xxx~~ in the forepart of said year with her family including Marinda Humphris to the Indian Territory and to the Creek Nation; that at this time Marinda Humphreys was 13 or 14 years of age.

That when her mother Flora Franklin returned to the Creek Nation she settled on Cloud creek where she lived [illegible] years ago; that Marinda Humphreys not long afterwards settled on land 2 miles north of Muskogee where she lived for more than 20 years; that her mother and

herself were recognized and treated as Creek Citizens by the Creek Authorities, not being required to take out and pay for a permit to entitel them to live in the Creek Nation and occupy land and enjoy the proceeds thereof, without having to pay for the privelage; that they enjoyed all the privelages of other Freedmen the same as other recognized Creek Citizens.

That Marinda Humphreys with her mother made application to the Creek Council for enrolement as Creek Freedmen Citzens under the laws in force in the Creek Nation at the time; and said application was refered to a committee which reported in favor of their enrolement; that the Council neglected to take action on said report until the time expired for them to do so; but that afterwards about 27 of the Council sighned a paper to the effect that she and her mother Flora Franklin were entiteled to enrolement.

She states that by reason of the foregoing facts she is entiteled to all the rights and privelages of other Creek Freedmen Citzens. She hereto attaches certain affidavits of witnesses as parts hereof and in support of this application.

Wherefore she prays that she may have a new hearing on her application to be enroled as a Creek Freedman Citizen, that the matter be reopened in order that she may have an oportunity to present additional evidence, so that she may have her legal rights under the law.

Witness. Thos. R. Jenkins
Alice Lewis

Marinda Humphreys

Marinda Humphreys on her oath being duly sworn deposes and says that she has heard the above and foregoing application read and the facts therein stated are true.

Witness
Thos. R. Jenkins
Alice Lewis

Marinda Humphreys

Subscribed and sworn to before me on this the 14 day of July 1904.

Witness. Thos. R. Jenkins

Notary Public.

My commission expires Dec. 26th 1907.

In the Matter of Marinda Humphreys Citizenship Claim:

Now comes Flora Franklin who being of lawful age and being sworn depeses and says; that she is about 70. years of age and a citzen of the Creek Nation of the Indian Territory; that she was brought to this country as a slave with the Indians when she was a small child.

That she continued to live in the Creek Nation as a slave until after the beginning of the Civil War beteen the States, when she was taken to the state of Texas with her two sisters Sarah Todd and Fillis Cooks by her Mistris, Sarah Ann. Mc.Daniel; that she remained in Texas until after the said war when she returned to the Creek Nation in the latter part of the year of 1866,with her two sisters aforesaid to visit her father who was living here and for the further purpose of claiming her right to be enroled as a Creek Citizen.

That she remained in the Creek Nation but a few months when she returned to Texas and removed with her family in the early part of the year of 1867 to the Creek Nation and has lived here from that time until this day; that when she returned from Texas she was permitted to settle on a farm on Cloud creek where she resided until about 2 years ago; that she was reognized and treated by the Creek Authorities as a citizen not being required to take out and pay for a permit to entitel her to all the privelages of a Creek Citzen.

That Marinda Humphreys is her daughter, that she was also taken to Texas with her and returned to the Creek Nation with her, and settled on land about 2 miles north of Muskogee and enjoyed all the privelages by the Creek Authorities that were accorded this affient.

That she with her children including Marinda Humphreys made application to be enroled as Creek Citzens, by the Creek council,under the laws which were in force at that time; that said application was refered to a committee which reported in favor of their enrolement; that said Council neglected to take action on said report until the time

expired for it to do so; that afterwards about 27 members of the said Council signed a paper to the effect that she and her children were entitled to enrolment.

She states that she was before the Dawes Commission and give her testimony in this matter or the matter of her own enrolment, and to her best recollection she did not testify to the fact of her returning to the Creek Nation in the year 1886; that she is ignorant of the law governing such matters and the rules laid down by the Department in such matters; that to the best of her recollection the question was not asked her and not being sufficiently informed in such matters she did not volentary the statement; that the facts above set forth are absolutly true, and she makes the statement with a perfect knowledge of their truthfulness.

Witnesses

Thos. L. Sandlin

Thos. L. Sandlin

Mitch Lorey

subscribed and sworn to before me a Notary Public of the Western District of the Indian Territory on this the 12th day of July 1904.

My commission expires on
December 20th 1907.

Thos. L. Sandlin

Notary Public.

In the matter of Marinda Humphreys Citizenship Claim.

Now comes Picket Rentie who being of lawful age and being sworn deposes and says; that he is 78 years of age and is a freedman citizen of the Creek Nation Indian Territory and has been since he was a small boy.

That he is well acquainted with Marida Humphreys and also her mother Flora Franklin; that he and Flora Franklin was brought to this Country as slaves with the Indians in the year 1850; and that time they were small children.

That after the Civil War betoen the states begun, he went north and joined the United States Army, and that Flora Franklin was taken south to Texas by her Mistress Sarah Ann Mc. Daniel; that at the close of the war he returned to the Creek Nation and have lived here ever since That he knows of his own knowledge that Flora Franklin returned to the Creek Nation with her two sisters Sarah Todd and Fillis Cooks the latter part of the year of 1866, the exact date he does not remember. That Flora Franklin after staying in the said nation a fewe months returned to the state of Texas with her sister Sarah Todd for the purpose of moving their families to the Creek Nation; that they returned to the Nation in a very short time to his best recollection, not later than the meddle of the year 1867; that Flora Franklin was permitted to settle on Cloud Creek and open up a farm and lived there until about 2 years ago; that Marinda Humphreys settled on a piece of land north of Muskogee; that each of them were in all respects treated as Creek Freedmen Citizens and enjoyed all the privelages of other citizens. That to the best of his recollection he was before the Dawes Commission and testified in this matter, but did not testify to the fact that Flora Franklin and Marinda Humphreys returned to the Nation as above stated for the reason that the question was not asked him.

[illegible] Picket Rentie

Subscribed and sworn to before me on the [illegible] day of July 1904.

[illegible]

In the matter of Marinda Humphreys Citizenship Claim:

Now comes Pare Brunet who being duly sworn deposes and says that he is about 58 years of age and that his post office address is Pare Ind Ter That he came to this country with the Indians in the year 1836 and has lived in the Creek Nation ever since except a few years during the Civil war betoen the States when he went to the State of Kansas; that he returned from the state of Kansas in the month of March 1866. that he has been a member of the Creek Council since 1871 with the exception of about 8 years. That he is well acquainted with Flora Franklin and her sister Sarah Drew formerly Sarah Todd, and was well acquainted with Munday Durant their father; that after the war broke out Flora Franklin, Sarah Todd and Ellis Cook was taken south by their Mistress Sarah Ann.Mc.Daniel to the state of Texas. That I remember that the said Flora Franklin and her two sisters as aforesaid was in the Creek Nation; and I rember further that Flora Franklin and Sarah Todd removed with their families to the Creek Nation in the Spring of 1867. that Flora Franklin settled on some land on Cloud Creek in the Creek Nation and that later Marinda Humphreys settled on land about 8 miles north of Muskogee. That in the year of 1858 or 1859 Munday Durant was a member of the house of Kings of the Creek Council; that at that time he made application of his said children before the Council which was refered to a committee which reported in favor of such enrolement, but the Council neglected to take action on said report; that Munday Durant died and there was no one to specially look after said applications, so for that reason they were neglected and failed to pass; that the Council passed an act allowing the children of Munday Durant the right to live here without permits or taxation, and they were treated the same and regarded the same as other Citizens; It is his opinion that the aforesaid children of Munday Durant and Marinda Humphreys should have been enroled years ago and that their claims are just ones.

In the matter of Marida Humphreys Citizenship Claim.

Now comes Sarah Drew who being of lawful age and being duly sworn deposes and says, that she is beteen 70 and 75 years of age, that she was formerly Sarah Todd and is the sister of Flora Franklin; that she is a Creek Citzen and has lived in the Creek Nation all her life, except the few years she was in Texas during the war beteen the states.

That she was taken to the state of Texas after the said war begun with her two sisters Flora Franklin and Fillis Cooks, by her Mistress Sarah Ann. Mc.Daniel; that she remained in Texas with her said sisters until the latter part of the year of 1866 when they all three returned to the Creek Nation together for the purpose of visiting their father and the further purpose of claiming their rights under the Creek laws to be enroled as citzens.

That she and her sister Flora Franklin remained in the Creek Nation until the early part of the year of 1867 when they returned to Texas for their families and that they removed back with their families to the Creek Nation in the fore[illegible] of the year of 1867.

That Marinda Humphreys is the daughter of Flora Franklin and was taken with her to the state of Texas and returned to the Creek Nation with the family as aforesaid. That they were treated by the Creek Authorities as other citzens and were not rquired to take out permits to live in the Nation, occupy land, and enjoy all the privelages and enjoyments of other citzens. That I have testified before the Daws Commission in this matter before, and to the best of my recollection I did not testify to the fact that we returned to the nation in the year 1866 for the reason of being ignorent of such matters and for the further reason the question was not asked me-

Witness. Thos B Blankenship

Sarah her X mark Drew

Subscribed and sworn to before me on this the 13th day of July 1904.

Thos B Blankenship

Notary Public.

13th day of December 1907.

In the matter of Marinda Humphreys Citizenship Claim:

Now comes Mary Carson who being of lawful age and being sworn deposes and says; that she is about 44 years old and that she is a citizen of the Creek Nation and lives at present at Muskogee in the Creek Nation.

That she is acquainted with Flora Franklin and Marinda Humphreys and have known them since the latter part of 1866 and 1867; that she remembers that Flora Franklin was here in the latter part of the year 1866; that Flora Franklin had come from the state of Texas on a visit to her fathers family who was at the time living in the Creek Nation.

That she was a small girl at the time ,but the reason that she remembers so well of seeing the said Flora Franklin, is that there was a potracted meeting going on at the old agency; Flora Franklin was thereand I was there and saw her there.

I rember of my fathers folks with myself bid her good-buy when she started back to Texas in the early part of the year of 1867.

That she also remembers when Flora Franklin and Marinda Humphreys returned from Texas in the forepart of the year of 1867; and that they have lived here ever since and enjoyed all the privelages of other citizens.

Witness.
Thos R Gentry

Mary Carson
her mark

Subscribed and sworn to before me on this the 16th day of July 1908.

My commission expires on the
26th day of December 1907.

Thos R Gentry
Notary Public.

Okmulgee, Ind. Terr

Dec. 8, 1905.

To the Hon. Sec of the Interior,

Washington, D.C.

Sir!

The undersigned citizens of the Creek Nation and members of the National Council thereof would respectfully represent, that we are personally acquainted with the persons whose names appear herewith, commencing with Flora Franklin and ending with Chas. Mentella.

We know them to be citizens of the Creek Nation and entitled to all the privelages and rights in likemanner as other citizens of said Nation. In order therefore that they may be permitted to prove their rights' your petitioners respectfully request that the Commission to the Five Civelized Tribes be directed to fully investigate the rights to citizenship of the persons whose names appear on the said list hereto attached.

(Copied from the Origional.)

Very respectfully.

Wiley Mc.Intosh,

Dave Roberts,
C. B. Perryman,

William Mc. Combs,
P. A. Smith,
T. W. Manuel,
G. K. Davidson,
Ned Caesar,
R. C. Monroe,
John J. Jefferson,
Lewes Mc. Gilbra.
Phillipp Perriman,
Joe Smith,
R. M. Stephens,
B. H. Richards,
J. H. Lewis,
E. S. Jacobs,
Geo. Island,
C. B. Ponds,
Robert J. Manuel,
Thomas Grayson,
Isaac Warrier,

Dick Tiger
Richard Franklin,
S. T. Tobler,
S. E. Mc. Intosh,
Johnson Lee,
C. J. Johnson,
Billie Barnett,
William Peters,
Robert Grayson,
Moses Jimmerson,
Thomas Adams.

In the matter of the application of Flora Franklin, to be enroled as a Creek Freedman Citizen.

To the Secretary of the Interior:

Your petitioner Flora Franklin would most respectfully represent, that she with her children made application to the Dawes Commission to the Five Civilized tribes, to be enroled as Creek Freedmen Citizens, that enrolement was denied them, on the evidence submitted; that since then your petitioner has learned that not all the evidence in the case was brought out in said hearing, and that she has additional evedence to offer, which she believes will entitel her to enrolement.

She states that she was brought to this country as a slave, when she was a small girl in the year 1830; and lived here until after the begining of the Civil War beteen the States, when she was taken by her Mistress Sarah Ann. Mc. Daniel to the state of Texas, where she remained until the latter part of the year 1866, when she returned to the Creek Nation to visit her father, and to claim her rights under the Creek law as a citizen.

That she returned to the State of Texas and mooved her family to the Creek Nation in the forepart of the year of 1867, and settled on a farm on Cloud Creek in said Nation, and continued to live there until about 2 years ago; that she was at all times treated as a Creek Freedman Citzen, and accorded all the privelages as such, not being required to take out and pay for a permit to, enjoy the proceeds of the land she occupied, nor for any other privelages she enjoyed.

That she made application, with other members of her family, for enrolement before the Creek Council as a citzen of the Creek Nation, which was refered to a committee, which reported in favor of her enrolement; that the Council neglected to take action on said report until the time expired for them to do so; but that afterwards about 27 of the Council signed a paper to the effect, that she and children were entitled.

entitled to enrolement. She states that by reason of the foregoing facts she is entitled to all the rights and privelages of other Creek Freedmen Citizens.

She hereby refers to the affidavits of witnesses in the Application of Marinda Humphreys, and makes them a part of this application and in support of the same.

Wherefore she prays that she may have a new hearing, that the matter be reopened in order that she may have an eportunity to present additional evidence, so that she may have her legal rights under the law.

Witness. Thos. A. Jonkins
Hattie Phillips

Flora Franklin
her mark

Flora Franklin on her oath states that she has heard the above and foregoing petition read and that the facts therein set forth are true

Witness Thos. A. Jonkins
Hattie Phillips

Flora Franklin
her mark

Subscribed and sworn to before me on this the 14th day of July 1904.

My commission expires on the 26th day of Dec. 1907.

Thos. A. Jonkins
Notary Public.

In the matter of the application of Sarah Drew to be enrolled as a Creek Freedman Citizen.

To the Secretary of the Interior:

Your petitioner Sarah Drew would most respectfully represent that she was formerly Sarah Todd and that her and Flora Franklin are sisters and children of Munday Durant; that she made application to the Dawes Commission of the Five Civelized Tribes' to be enroled as a Creek Freedman Citizen; that enrolement was denyed her on the evidence submitted; that since then she has learned that not all of the evidence was brought out on the hearing; that she has discovered additional evidence which she believes will entitel her to enrolement.

She states that she was born in the Indian Territory and in the Creek Nation, and lived here until after the war beteen the states begun when she was taken by her Mistress Sarah Ann. Mc. Daniel with her two sisters Flora Franklin and Fillis Cooks to the state of Texas, and remained there until the latter part of 1866 when she and her said sisters returned to the Creek Nation to visit their father Munday Durant and to claim their rights as Creek Freedmen.

That she and her sister Flora Franklin returned to Texas early in the year of 1867 and mooved their families to the Creek Nation in the forepart of that year and settled on land in the Creek Nation and havlived here ever since that time; that she was at all times treated as a Creek Freedman Citizen and accorded all the privelages as such; not being required to take out and pay for a permit to reside here and enjoy the proceeds of the land she occupied nor was she required to pay taxes for any purpose by the Creek Authorities.

That she made application before the Creek Counsel for enrolement which was refered to a committee which reported favorable, but the Council neglected to take action on the said report until the time had expired for it to do so; that afterwards about 27 of the members there-

ner signed a paper to the effect that she was entitled to [illegible].

She states that by reason of the facts [illegible] and is entitled to all the rights and privileges of other Cedar Tree Indian Citizens.

She hereby refers to the affidavits of witnesses attached to the application of Marinda Humphreys, and makes them a part of this application and in support of the same.

Wherefore she prays that she may have a new hearing, that the matter be reopened in order that she may have an opportunity to present additional evidence, so that she may [illegible] her legal rights under the law.

Witness, [illegible] her
David H. Harrison. Sarah X Drew
mark

Sarah Drew on her oath states that she has heard read the above and foregoing petition or application and that the facts therein stated are true.

Witness [illegible] her
David H. Harrison. Sarah X Drew
mark

Subscribed and sworn to before me on this the [illegible] day of July 1904.

My commission expires on the
26 th day of December 1907.

[illegible]
Notary Public.

In the matter of the application of Sarah Parrish to be enroled as a Creek Freedman Citizen.

To the Secretary of the Interior:

Your petitioner Sarah Parrish state that she was formerly sarah [redacted] and a daughter of Flora Franklin, and is about 58 years of age and was borned in the Creek Nation and have lived here all of her life

That she is a sister of Marinda Humphreys and Jennie Roberts formerly Jennie [redacted]; she has been informed by her mother and other members of her family that when she was a baby, her mother made application to be enroled and application for each of the family including your petitioner; that her mothers family was always regarded as creek citizens and enjoyed all the privelage as other Creek citizens up to and until we went to Kain Creek to Be enroled. She states that she never was required to take out a permit or to pay any tax by the Creek Council.

She states that she is justly entiteled to be enroled as a Creek ~~Citizen~~ Freedman; that her mother came here with the indians as a slave and remained a slave until after the war; that she was taken to the state of Texas by her mistress Sarah Ann. Mc.Daniel as she is informed and believes; and that she is further infomed and believes that her ~~[redacted]~~ mother Flora Franklin returned to the Creek Nation from the state of Texas in the year of 1866 and that she mooved from said state to the said nation in the year 1867 and in the spring of that year.

She states that she is justly entiteled to enrolment as a Creek Freedman Citizen and is entiteled to all other priveliages and rights of other Creek Freedmen. Wherefore she prays that her case may be reopened with her mothers and sisters that she may introduce additional testimony and that the affidavits in the petition of Marinda Humphreys be used in her case.

Sarah Parrish

In the Matter of the application of Jennie Roberts to be enroled as a Creek Freedman Citizen.

To the Secretary of the Interior:

Your petitioner would most respectfully represent that she was formerly Jennie [redacted] the daughter of Flora Franklin; that she is about 41 years of age and was born in the Creek Nation, and taken to Texas with her mother when she was a small baby after the beginning of the civil war betwen the states; that she is a sister of Marinda Humphreys; that she has lived in the Creek Nation all her life except while she was in Texas during the said war with my mother Flora Franklin. That she was a small child when she came to the Creek Nation with her mother and does not remember any thing about the trip back from Texas; that she is the sister of Sarah Parris, formerly Sarah Franklin

That she is the grand daughter of Munday Durant who was a member of the, Creek Council for many years before he died; that her mother Flora Franklin has all ways been considered by the Creeks to be a citizen up to and including all the time until the Daws Commission met at at Kain Creek about 1898; where they for the first time learned that her and her people were held as doubtful citizens;

Your petitioner would most respectfully asAthat her case be reopened and permit her to introduce all her testimony; she states that her claim is a just one, and that she by rights ought to be enroled as a Creek Freedmanand to all the rights and privelages that any other Creek Freedman; she refers to the affidavits of witnesses in the application of her sister Marinda Humphreys and makes them a part of this petition and in support thereof.

Witness Dave Roberts

her
Jennie + Roberts.
mark.

Subscribed and sworn to before meon this the 15 th day of July 1904.

My commission expires on the
26 day of December 1904.

Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LRAED
75003-1904
7661-1906

February 10, 1906.

476

The Honorable,

The Secretary of the Interior.

Sir:

In accordance with the directions contained in Department letter of January 23, 1906, I. T. D. 837, the record relative to the applicati on of Flora Franklin, et al., for enrollment as Creek freedmen, is inclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH

REFER IN REPLY TO THE FOLLOWING

No. 476.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 26, 1906.

Sarah Ann Drew,

Checota, Indian Territory.

Dear Madam:

February 20, 1906, the Department granted a motion for a rehearing in the matter of the application of Viera Franklin, et al., for enrollment as Creek freedmen.

You are hereby notified that a rehearing will be had in this case, at the office of the Commissioner to the Five Civilized Tribes, March 10, 1906, at which time you will be permitted to introduce such evidence pertinent to the issues in said case as you may desire.

The Creek Nation will be permitted to introduce evidence in this case at the same time and place.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. March 12, 1906.

Floria Franklin,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of March 8, 1906 giving your correct post-office at this time as Muskogee instead of Ridge Indian Territory.

Respectfully,

Acting Commissioner.

En. 476.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 19, 1906.

IN the matter of the application for the enrollment of Flora Franklin, et al as Creek freedmen.

February 20, 1906, the Secretary of the Interior granted the motion for a rehearing in the matter of the application for the enrollment of Flora Franklin, et al, as Creek freedmen. February 28, 1906 Flora Franklin, Sarah Ann Drew, Marinda Humphreys and M. L. Mott, attorney for the Creek Nation were notified that on this day and at this place this case was set for rehearing at which time applicants would be given an opportunity to introduce evidence pertinent to the issues in the case and the attorney for the Creek Nation was notified that he would be allowed to introduce evidence.

APPEARANCES: E. Mastain attorney for applicant.
M. Kelick representing M.L.Mott attorney for Creek Nation.

STATEMENT by Mr. Mastain:- Flora Franklin, the principal applicant herein is at this time bed ridden and probably will be for some time, and was unable to appear today.

MARINDA HUMPHREYS, being duly sworn, testified as follows:

Q What is your name? A Marinda [redacted]
Q Are you the same person who appeared here April 25, 1904, and made application for yourself and children and who filed a motion for review in this case? A Yes, sir.

ATTY. FOR APPLICANT.

Q State your age? A I don't know my age exactly, something like forty or fifty.
Q You may give the names and ages of the children for whom you applied? A. Tommie 23; Willis 22; Maleah 18; Eddie 19; Shadia I don't know exactly, 12 I think. Fannie I think she is about 29; Alice I don't know her age exactly; Maty about three, Son about five.

Q How old is Louan Mullen? A About 19, Floresa Mullen about 15; and John something about 10 or 11.
Q What relation are you to Flora Franklin the principal applicant in this case? A I am her daughter.
Q You may state where you lived prior to the War, you and your mother? A We was here.
Q State whether or not you were slaves prior to the war? A Yes, I was a slave.
Q Who was your owner? A Sarah McDaniel.
Q Do ou know where you were during the War? A I was here.
Q Were you out of the Territory at any time about the time of the War? A Yes we was carried out by our mistress.
Q Where did she take you to? A To Texas.
Q When did you return to the Creek Nation? A About July or June.

Q What year? A Two years after the surrender.
Q Who came back with you at that time? A My mother andmy aunt.
Q What is the name of the aunt? A Sarah Ann Drew.
Q Did you again return to Texas for any reason? A Yes, sir.
Q Do you remember when the Dunn payment was made? A I came in afterwards.
Q State how soon after the payment that you came back to the Creek Nation? A It seemed in July and stayed until fall of the year.
Q At that time did you learn anything about the Dunn payment having been made? A I heard people talking about there was a payment.
Q Do you remember anything about the fourth of August picnic that year that you returned? A Yes, sir They had a picnic but I didn't go to it.
Q How long before that was it that you returned? A We came back to the territory in the same year.
Q About how long before that picnic if you remember? A I don't think it was more than a week or two, not much longer than a week or two.
Q Have you resided in the Territory since your final return here? A Yes, sir.
Q Have you owned a place? A Yes, sir.
Q State whether or not the Creek people have permitted you to live here and improve a place? A Yes, sir. They permitted us to live here and improve a place and have wood and water and have everthing except drawing the money. They permitted us to do everything that citizens did except draw the money.

COMMISSIONER.

Q What year did you say you returned to the Creek Nation? A Two years after the surrender.
Q What year was that? A I don't know the date or anything about that.
Q Don't you know what time of the year the surrender was in? A The second year after freedom.
Q What year was the surrender, was that the second year after the negroes were free? A Yes, sir.
Q Then you returned four years after the negroes were free? No, sir.
Q What time did you return to the Creek Nation? A I came here the second year after we was free.
Q Can't you give some idea as to the year? A I don't understand.
Q Who do you mean was free, all the colored people? A I don't know when that was. I don't know the dates or nothing of that; I can't count no year.
Q Where did you come from? A From Texas.
Q What town? A From Austin Texas.
Q How long did you live there continuously before you started north? A I didn't live in Austin any more than a couple of months
Q Who did you live with down there? A I lived with some white folks. I was staying with a lady named Mrs. McCobb.
Q Was that your owner? A No, sir.
Q Where did you live just before that? A When I was staying with my mistress that was in Arkansas before freedom.
Q I am talking now about after freedom. You say you come back to the Creek Nation two years after freedom now where were you those two years from the time you started north back to the time of the freeing of the slaves? A I came here the second year after the surrender. The year we was free I was in Arkansas.
Q You stated you were a month or two with Mrs. McCobb where were you before that? A I was in the Territory here.
Q You have accounted for two months of the two years where were you the other 22 months? A I guess I was--
Q I don't want any guessing, you said you came back to the Creek Nation two years after the slaves were free and you said that

just preceding your coming north you had been with a white woman in Arkansas, now where were you before that? A I came from St. Marcus.
Q How long were you there? A Two more than three months.
Q Who were you with there? A A cousin of mine, Mary Woods/.
Q Is she living? A No, sir dead.
Q That accounts for five out of the 24 months where were you before that? A I don't know sir. I couldn't tell; I can't remember.
Q Can't you tell anything where you were? A I can't tell so far back
Q Were you in a state or in the territory or in a foreign country? A No, sir it was in the territory, down there it was a State.
Q Were you in Texas these two years? A No, sir I was in Arkansas. and the second year after the surrender we came here.
Q Where were you born? A Why I guess--I can't remember.
Q I have told you several times you shouldn't guess? A I think mother said I was born here in the nation.
Q All you know is what your mother said? A Yes, sir.
Q When you first came to your senses as you now remember where were you? A When I came big enough to know anything I was with my mother and sisters in Arkansas. My mother always told me I was born in the Territory.
Q Did she ever tell you what part of the Territory? A No, sir.
Q Didn't tell you in what nation? A Born here in the Creek Nation.
Q Didn't she or any one else tell you what time that was you were born? A No, sir I never heard what time I was born but I heard I was born in the Creek Nation.
Q Did you hear you were born before the War broke out? A Yes, sir I was always told that.
Q Have you any recollection of the breaking out of the War? A Yes,sir I was old enough because I waited on the table.
Q Do you also recall that at that time you were in the Creek Nation? A I recollect the first year that we was set free; I don't know about the breaking out of the War .
Q You just stated that you recollected yourself the breaking out of the War now where were you then? A What I meant was the first year we was free; the breaking part I don't know anything about.
Q If you don't recollect it from your own knowledge,do you from hearsay from your immediate family where you were at the breaking out of the War? A We was here to the Territory.
Q How do you know that? A I always heard my mother say we was here in war time.
Q Did you hear your mother say how old you were? A Something like 10 or 15 years old she said .
Q If you were 10 or 15 years old can't you state from your own knowledge where you were? A I recollect we were in the Creek Nation.
Q You remember that of your own knowledge that you were in the Creek Nation before the slaves were free? A Yes, sir I recollect that.
Q Where? A Up about the Old Agency.
Q Had you been there from the time you were born until you were 15 years old? A I don't remember all that.
Q Well then at that time where did you go? A Our folks took us to Texas then.
Q Who do you mean by us? A My mother.
Q Just your mother and you? A She took my aunt and all she owned.
Q How many altogether do you remember? A I don't recollect all she had
Q Now when was that she took you to Texas? A She took us out I think when the War was going on before peace was declared.
Q Don't you remember how long the War had been going on? A No, sir I can't recollect .
Q Do you remember how long it was before the slaves were free? A No
Q Where did you go you and your mother and that aunt? A We went to Texas.
Q Right straight to Texas? A I don't know; I didn't know anything about the name of it till we got there.
Q You don't know where you went when you went there? A Yes went to Texas.
Q How long did it take you to go there? A I don't know that either.

Q Did it take you so long that you don't know whether you spent a year or two in some other state? A We stopped on the way and camped a week or two but how long it was I don't know.
Q Don't you know in what part of Texas you finally settled? A When we first went we went to a place called Bee Willow.
Q Was that in Texas? A Yes, sir.
Q How long did you stay there? A Only a week or two then he came back to a town named St. Marcus .
Q How long did you stay in St. Marcus? A About 5 or 6 months.
Q Then where? A He came back--I don't know what town he stopped in. I told you as far as I could remember where we was; lots of those things I have forgotten.
Q Who do you mean by "he"? A I was talking about my mistress' husband.
Q Wherever he went you went along? A Yes, sir
Q From St. Marcus, where then? A Austin; that's as far as I remember.
Q And from Austin back to the Indian Territory? A Yes, sir, we did.
Q You stated you were about a week at that Willow place, and now you say 5 or 6 months in St. Marcus, in Austin and then you came back, now that isn't two years. You will have to tell us a little better than that where you were? A Might be some of the older ones could tell better than that.
QYou have told me you were 10 or 15 years old? A Yes, I was but at that time children were raised up in ignorance they didn't know any more than a bug; I was just guessing at it. I couldn't tell positively that all these things were two or three months; I don't know exactly whether it was just so.
Q Now what was the exact time of your coming back here to the Territory? A We came here in July.
Q What day in July? A I don't know the days.
Q Was it the first part, middle part or last part? A Something like the first or middle.
Q Don't you remember? A I say it was something like the first as far as I remember.
Q How long were you in Texas altogether? A I couldn't tell you; I don't remember.
Q I mean before peace was declared? A I couldn't remember how long altogether. I lived in the territory longer than I lived any place in my life. I don't recollect how long we were in Texas.
Q Why do you remember you came back here in July? A Why I know we came back in July because I staid with my grandfather when I first came here.
Q You stated a while ago that you came back here in June or July and staid until fall, what June or July was that? A We came in July in the spring and we staid up until in the fall.
Q Then where did you go? A My mother took to the raising of her children.
Q Did you go with her? A Yes, sir.
Q How old were you at that time? A I was about 19 I guess; I am not sure of that.
Q Then how long did you stay back there? A No longer than we could sell.
Q How long was that? A About a couple of months I reckon.
Q Then where did you go? A Back to the Territory.
Q How long did you stay there? A Been here ever since.
Q I have asked several questions here in the last examination trying to find where you were from the time you first came to your recollection , I have given you every opportunity to speak and this last time you never mentioned Arkansas whereas in your first examination you mentioned staying in Arkansas? A I spoke about Arkansas.
Q You don't answer the questions and I made them very plain and simple trying to find out where you were from the time you came to

your recollection even periods like weeks. I asked you how long you were in a certain place and still you don't tell the places you have been; it is very difficult to get an answer out of you. How long have you been in the Creek Nation? A Something over 27 years.
Q Are you sure of that? A Yes, sir I am sure of that.
Q What makes you remember it was 27 years? A Because I have born some children here that are that old.
Q What is the name of the first child that was born? A Fannie.
Q Was Fannie born here? A Yes, sir.
Q How long was it after your last return to this nation from down there [illegible] that Fannie was born? A Something like two years.
Q You had been back here from your last trip to Texas two years before your child Fannie was born? A Yes, sir .
Q How old is she? A I don't know exactly.
Q How long was it to the best of your recollection from the first trip you ever made to Texas until your child Fannie was born? A She wasn't born then until I came back the last time.
Q I say how long was it from your first trip until she was born? A Two years I think.
Q There wasn't much difference in your last trip and your first? A I said I had children nearly that old.
Q Did you ever live in Arkansas? A I told a while ago we went to Arkansas.
Q How long did you live there? A I said I didn't know exactly how long.
Q Did you live there as much as five years? A I don't know nothing about no year.
Q You know about some years and others you don't know? A Yes, sir.
Q Do you mean to tell us you don't know whether you were five, or two or one year, can you come any closer than that? A Yes, I guess it was about three years we was in Arkansas.
Q How old were you when you first remember having lived in Arkansas? A I don't know; guess I wasn't more than six years old.
Q Was that after you lived in Texas; did you go from Texas to Arkansas A No, sir we didn't; we went from the territory here to Arkansas.
Q Had you been in Texas prior to your going to Arkansas? A No, sir. we went from the territory to Arkansas and when freedom came by our master picked us up and run to Texas to a place he called See Willow and we staid there a couple of months and he turned his folks loose and we came to the territory here.
Q Didn't you state awhile ago that you went from the territory to Texas? A I meant from here to Arkansas and then to Texas.
Q You didn't go direct to Texas? A No, sir, our mistress first took us to Arkansas.
Q Were you able to walk when you went to Arkansas? A Yes, sir.
Q How large a girl were you? A About six years old I guess.
Q Then you went from Arkansas to Texas and how long did you stay in Texas? A Four or five years as far as I remember; that was the time they were running--our masters were running with us- we wasn't loose then.
Q And he turned you loose in Texas? A Yes, sir.
Q Was that when you first got down to Texas? A No, sir he carried us on to a place called See Willow for about three weeks and then he turned us loose and told us we was free and got us to bring his wagon back to St. Marcus.
Q Then you were loose when you got to St. Marcus and you lived in Texas 3 or 4 years after you were turned loose? A No, sir only 2 or 3 years.
Q You have only accounted for 3 weeks out of the 2 or 3 years. You have stated that you went to that Willow place and then he turned you loose and you went to St. Marcus now that leaves now that leaves 2 years and 49 weeks. How old do you think you were when you went to St. Marcus? A Not much older.
Q How old? A I guess 5 or 6 years when we left Arkansas and I couldn't have been more than a year older. We didn't stay in See Willow long.

Q How long did you stay in Arkansas? A I staid I guess 5 or 6 years as far as I can remember.
Q How old were you when you first went to Arkansas? A Five or six years old.
Q How old when you reached St. Marcus Texas? A I couldn't have been much older.
Q You were a pretty good sized girl? A Yes, sir
Q Were you as much as ten or twelve? A I guess I was something like six or eight years old.
Q You stated awhile ago that when you went to Arkansas you were five or six years old, that you staid there five or six years and then went to Texas? A As far as I remember.
Q Do you remember how long it was after you reached St. Marcus before you left for the territory? A Our master turned us loose, we staid around St. Marcus I guess a month.
Q Could it have been as much as a year? A I don't think it was a year.
Q Did you go direct from St. Marcus to Indian Territory or did you go to some other point in Texas? ? A We didn't go any other place in Texas.
Q You came direct to the territory? A We came to Austin and then to the territory.
Q How long did you stay in Austin Texas? A No time, we was on our way up here .
Q And only staid there how long? A A week I guess.
Q Then you came right to the territory? A Yes, sir, came here in July.
Q The slaves were freed while you were in Texas? A No, sir I didn't say it was in Texas. We were freed in Arkansas but our owners didn't turn us loose.
Q Did you know that the slaves were free in Arkansas? A We heard it but they hadn't turned us loose.
Q When you came to the territory as you recollect you came by way of Arkansas? A Yes and staid all night with some one we knew.
Q When you came to the territory you were a pretty good sized girl? A Yes, sir I was.
Q How many times have you been married? A Once.
Q How old when you were married? A I don't know exactly; don't know whether I was 14 or 15.
Q Where did you marry? A I married in Texas.
Q When you came to the territory you were married? A Yes, sir.
Q How you remember whereyou came do you? A I came here to Muskogee.
Q Was Muskogee the first town you came to? A Yes, sir.
Q Did you come by railroad? A We didn't come all the way on the railroad.
Q How far did you come by railroad? A I couldn't tell how far. We came partly by land.
Q How do you remember were you married before you were set free? A No
Q How long after you were set free before you were married? A Quite a while.
Q How long do you suppose it was? A Some 5 or 6 years because I had been here to the territory and then went back.
Q Where did you go when you came to the territory? A When we came in July our folks were here.
Q How many times did you leave the territory and come back. You left the territory and went to Arkansas when you were about 5 or 6 years old? A Yes, sir..
Q Now you say you staid in Arkansas 5 or 6 years is that right? A Yes sir as far as I recollect.
Q Then you went from Arkansas to Texas? A Yes, sir.
Q Then you staid in Texas for a while, perhaps at one place a year? A Yes, sir I guess about a year.
Q Then thr first time you came to the territory was after you had been to Arkansas and then to Texas and then to the Territory, is that right? A I meant when we first left the territory and followed our mistress we went to Arkansas and then after that and freedom cried out our master was on the way back to Arkansas and we didn't come any further than St. Marcus; after we heard our folks were still living

here in the territory we came and came to Monday Durant.
Q Where did you come from to go to Monday Durant? A From Texas
Q And before that you had been in Arkansas? A Yes, sir.
Q You had been over in Arkansas? A And our master took us to Texas.
Q And then you came to the territory and went to Monday Durant? A Yes, sir
Q How old were you that first time you came to the territory from Texas? A I reckon about 14 or 15.
Q And you were married at that age? A I don't know my age at all
Q Were you married before you took that first trip from Texas to the Indian Territory? A I never married until I went back.
Q How long did you stay in the territory after your trip from Texas up here before you went back to Texas? A We got here in July and staid until the fall of the year until after the peaches and apples got dried.
Q Your folks were living in Texas? A We went back and sold out and then came back.
Q How long did you stay in Texas that time? A We didn't stay any more than 3 or 4 weeks or months.
Q Did you get married during that time? A Yes, sir because I was engaged before.
Q You said something about when you started for Muskogee about hearing you had kin folks up here is that the reason you came here? A No, sir we heard our grandfather was living.
Q Was that the reason you came? A No but because we knew we had a right here.
Q Did you bring your household goods here from Texas? A Yes, sir
Q Did you bring these with you that first trip you came up here? A No, sir
Q You went back to Texas to get them? A Yes, sir.
Q And on that second trip while you were back to get those goods you got married? A Yes, sir I was engaged to get married.
Q Did he come up here with you? A Yes, sir.
Q On that first trip when you came up here you say you were about 14 or 15, did you come by railroad from Texas up here? A Part of the way.
Q How far? A To a little place they called Eufaula.
Q How did you come that second time when you and your husband came back, did you come by railroad? A Yes, sir.
Q Where did you come to? A Muskogee.
Q The first time you came by railroad you came to Eufaula? Yes I didn't know what town but we stopped there.
Q What is the name of the oldest child you ever had? A Fannie Davis.
Q Where was she born? A Here in the territory.
Q Where? A Out west about two miles from town.
Q How long after you were married before that child was born? A I was married over a year before that child was born.
Q That would make you according to what you said that you came back here when you were 14 or 15 then you went to Texas and staid there say a month and came back here and were married when you came back the second time and you had a child born a year after that then you would be about 16 when your first child was born? A I don't know exactly my age.
Q You were a grown woman? A I was considered a grown woman when I married.
Q About how old is Fannie now? A Fannie ought to be something like twenty six if I aint mistaken.
Q Was your name ever placed on any of the tribal rolls that you know of by the tribal authorities? A No, sir I don't know.
Q When was the first time you ever tried to be put on the rolls? A That has been 8 or 9 or 10 years or longer.

Q How did you try at that time? A My brotherinlaw Dave Roberts had our names in the council and he said Henry Reed was judge and they said it passed through their house.
Q The only effort you ever made was to give your names and that of your children to this brother-in-law? A Yes, sir.
Q How when was the next time you tried to have your name on the tribal roll ? A I went to the courthouse they was enrolling there.
Q What courthouse ? A Big courthouse up here.
Q Who was taking the names? A I don't know.
Q When was it? A I don't know exactly.
Q Was it as much as 6 or 7 years ago? A Yes, sir I guess so.anyhow they was taking names.
Q Who was taking names? A Some white gentlemen. The reason they didn't take their names they said it isn't your time now you will have to wait and we didn't rush to have our names.
Q What was the next time? Mr. Lieber was taking names here in town.
Q Where was that? A Here in Muskogee, and we asked at the post office and when we got it it said we was denied.
Q Do you know how large a town Muskogee was when you first came here from Texas? A It wasn't large at all. It was quite small.
Q Did you come direct to Muskogee on that first trip and did you come by railroad on that first trip? A On the first trip we didn't come by railroad.
Q You came to Eufaula that first trip? A Yes, sir. We was traveling in a wagon and this last trip we traveled by railroad.
Q How did you come that first time from Eufaula? A In a wagon.
Q Was there a railroad into Muskogee when you came that first time? A No sir I don't think there was any railroad the first time.
Q But think there was the second time? A I know there was because we rode on it.
Q Have you lived here ever since you cam from Texas the second time? A Yes, sir right here in Muskogee.
Q Who was chief when you first came? A I didn't know anything about no chief when I came.
Q Who was chief the last trip? A Simon Checotah.
Q You say you have lived here in Muskogee since your last trip? A Yes
Q Have you known of negroes living here ever since you first came here from Texas have you known very many negroes living around here? A Yes
Q Have you known many that were Creek freedmen? A Yes, sir.
Q Have you known many that weren't Creek freedmen? A Yes, sir.
Q Were there very many or were there many when you came the first trip? A Not many state raised when we came.
Q You stated a minute ago that you knew of negroes here who were Creek freedmen?A I knew them that were citizens here.
Q You knew other negroes too? A Yes, sir, a few
COMMISSIONER.
Q You state you went down to Texas with your mother and your aunt , was that Flora Franklin? A Yes, sir.
Q and that aunt was your mother's sister was it? A Yes, sir.
Q What was that aunt's name? A Sarah Ann Drew.
Q Did your aunt and your mother leave for Arkansas and go to Arkansas with you when you left the territory first to go to Arkansas? A Yes
Q Did your aunt and your mother also go with you from Arkansas to Texas? A Yes, sir.
Q Your aunt and your mother also came up here to the territory when you came up here the first time? A Yes, sir.
Q Did they also go back with you to Texas when you went back to get married and get your household goods? A Yes, sir
Q Did they come back with you after you were married? A Yes, sir
Q The names of the mother and aunt you refer to are Flora Franklin and Sarah Ann Drew? A Yes, sir.

SARAH ANN DREW, being duly sworn, testified as follows:

Q What is your name? A Sarah Ann Drew.
Q Are you the identical woman who appeared here and made application for enrollment as a citizen of the Creek Nation in 1906? A Yes, sir.

ATTY. FOR APPLICANT.

Q State your age? A I don't know my age exactly, but I know I am between 66 and 70. When the Indians emigrated from Alabama I was a child in my mother's arms.
Q You came from Alabama to the Creek Nation? A Yes, sir.
Q Were you a slave at that time? A We was slaves of the Indians.
Q State who was your owner? A Miss Daniel was her married name, McGirt before she was married.
Q Where did you live prior to the War?A Just before the War we lived in Arkansas.
Q I mean before that? A We lived out here at the Old Agency.
Q In the Creek Nation? A Yes, sir where Sam Browns old place is.
Q After you left the Creek Nation where did you go? A They carried us first stopping a while in Arkansas and then they caught us up and took us to Texas.
Q Do you remember when the slaves were set free? A Yes, sir.
Q When did you return to the Creek Nation after you had left? A We returned back here the second year after peace was declared.
Q Do you remember what time in the year it was? A It was in the spring in the month of July.
Q Do you remember of hearing anything about the Dunn payment?A Yes, sir I heard them talking about it.
Q Did you receive that payment? A No.
Q Was that before or after you returned tothe Creek Nation? A That was before we came here.
Q Do you know how long it was before you got back that you heard they made payment? A I heard them say that it had been about three or four months, that they had drawed money.
Q Did you afterwards return to Texas? A Yes, sir we went back in the fall; we had left our things and we went back to dispose of them.
QThat was the same year you came up here? A Yes, sir in the fall.
Q When did you return to the Creek Nation? A The very next spring.
Q Have you lived in the Creek Nation since that time? A Yes, sir ever since.
Q Have you owned any place in the Creek Nation?Yes
Q Did you live here the same as other citizens did? A Yes, sir just the same as others and was granted the same privileges but the annuities.
Q How do you fix the time as being in the month of July that you returned? A Fruit was just ripening and I know it was July because they was drying fruit and we staid and dried fruit and took the dried fruit back with us.
Q Is there anything else makes you remember that date anything happened about that time? A They said the next month would be the 4th of August I remember that.
Q What did the 4th of August have reference to? A They said they was turned loose in that month and they had a celebration at that time.

COMMISSIONER.

Q Did you go to that 4th of August picnic that year? A No, sir.
Q How do you know they had one? A All out among the neighbors they said it was.
Q Where were you the next season about that time when fruit was ripening? A I was here then.
Q Did they have a 4th of August picnic that year? A Yes, sir.
Q Did you go to that? A No, sir.

Q Did they have one the year after that? A They have been having them every year since I came.
Q Do you know they have them every year? A Yes, sir.
Q Do you go to any of them? A Yes, sir I have been to some of them.
Q Did they have a 4th of August picnic the year before this one you refer to, this first one you speak of? A I don't know anything about that.
Q Did you ever hear they had one? A I don't know whether they did or not. I don't know anything about that.
Q Do you know what year that was that you came back? A Why long in July, so I couldn't tell the year. I just know that we came back the next year after emancipation..
Q Who went with you to Arkansas that time? A My brotherinlaw.
Q You state that you returned to the Creek Nation the second year after peace was declared? A Freedom.
Q You mean when you were set free? A Yes, sir.
Q You don't mean when the emancipation was? A Yes, sir that's the way we call it.
Q You were living in Arkansas during the war were you? A Yes, sir
Q You went there a little before the war? A Yes, sir
Q And how long before the War did you go to Arkansas? A I don't know exactly. My mistress married here and her husband moved to Arkansas and they carried us there.
Q Who went with you of your family? A No one but my mother and sister at that time.
Q What sister? A Phillis and Flora.
Q The war broke out; while they were still fighting did you hear that there was an emancipation proclamation issued by Lincoln? A We didn't hear of it for a good while.
Q Did you hear of it while the fighting was going on? A Yes, sir they was fighting but I don't know whether it was exactly like you have it or not; I can't state it like you can.
Q Did you hear that they were still fighting after you heard that there was a proclamation freeing the slaves. Did you hear that they were still fighting after that? A When we heard they said peace was declared.
Q Then you continued to live in Arkansas till peace was declared? A No, sir before peace was declared they run us to Texas.
Q How long before peace was declared did they run you to Texas? A I don't know how long.
Q Do you think it was a year before peace was declared? A I reckon it was.
Q You don't know? A I don't know for certain.
Q Mightit have been three months? A Might have been, I don't know exactly about that.
Q Could it have been only a short time after you left Arkansas, could it have been only a month? A I can't state the time.
Q But the time you left Arkansas and went to Texas was just about the close of the War? A Yes, sir . When we still worked people would ask us what we were doing and we would say we were working for master and they said we was free; that's what they said.
Q How long did you live in Texas? A I don't know.
Q How long did you live with your master there in Texas? A Not very long but to state the time I couldn't do it.
Q You don't know whether you lived with him two years down there or not do you? A No, sir
Q You don't know whether it was one year or four years? A No, sir
Q If you don't know as to how many years you lived in Texas and you don't know what year you left Arkansas for Texas how can you state or do you know when you came to Indian Territory? A The whole lot was emigrating a d coming through at the same time and a lot went on to Kansas.

Q As a matter of fact don't you know or do you know whether there was parties going back and forth from the territory and from Texas to Kansas for the space of several years, weren't there other people making trips to Kansas? A Yes, sir besides us.
Q In what year? A That was the same year we came up here.
Q Didn't other parties come in other years? A They might have.
Q Do you know what year that was you came up here? A Yes, sir that was the second year after peace was declared.
Q You stated a while ago that you didn't know whether you lived in Texas one or four years now you state you came through from Texas the second year after peace was declared, can you swear that you came to Indian Territory the second year after peace was declared or the two years before peace was declared? A No, sir it was the next year after.
Q Now you state it was the next year after peace was declared, you don't know when you moved to the Indian Territory do you? A Yes, sir.
Q You remember the circumstance of moving? A Yes, sir.
Q But you don't know the year you moved do you? A It was just like I told you; the second year we hadn't settled down. We had some people back here and we tried to hunt them.
Q You don't know how long you lived in Texas? A No, sir I don't know how long.
Q Could you have lived there three or four years? A Before the War?
Q Right after you left Arkansas and went to Texas and then peace was declared? A Yes, sir.
Q You stated a while ago that you didn't know whether you lived in Texas one, three or four years? A I said it like I know.
Q You don't know how long you staid in Texas do you? A No, sir not the number of the years.
Q How can you figure then the number of years after peace was declared to say when you came to the territory how do you figure that if you don't know how long you lived in Texas or Arkansas how can you give the exact number of years after peace was declared that you came to the territory; didn't you hear in Arkansas that the slaves were emancipated A No they said we was going to get freedom.
Q You don't know how long it was after you first reached Texas before some one told you you were emancipated? A It wasn't so long.
Q Has any one ever told you about the Dunn roll? A I heard them talking about it.
Q Who told you about that? A I couldn't tell you. People drew what they called the bread money.
Q Did they tell you when that was? A They said it had been the year we came; it was past before we got here.
Q You came here after they made that Dunn roll? A Yes, sir that's right.
Q Do you know how long after the Dunn roll was made that you came in? A They said it was two or three months.
Q Can you swear they told you it was only two or three months? A I heard them talking about it.
Q Did they say two or three months or is that something you now state without knowing that that is so--do you know that it was two or three months? A No, sir, I just heard them talking about it.
Q It was past when you came in? A Yes, sir.
Q Have you ever tried to be enrolled as a Creek freedman? A Yes,sir.
Q When? A I went to the council again and again. My father had our names to be enrolled.
Q How do you know he did? A There was councils then to attend to business for us not only for me but for all the Creek freedmen.
Q How do you know your father went before the Creek council to get you enrolled? A We had our names put down.

Q How do you know he [illegible] of his telling us?
Q You don't know that of your own and you go the roll on your A No, sir it was written on a piece of paper and given to a lawyer [illegible] Q Went before the council to get you enrolled? A I went up there [illegible] up there.
Q Did you ever hear that you had been enrolled by any council?? A No sir I never heard and I never knew but what it was all right until the land was cut up.
Q Did you ever appear before the Creek council yourself and ask to be enrolled? A No, sir but I went there again and again and asked them when the case would come up and they would say tomorrow and that they had other cases to come up and I have staid there weeks and weeks.
Q Who represented you when you went before the council who went with you and tried to get your name on there? A I didn't have any one to get it on there because they said these men in the council it was their business and I would appear before them and ask when it would come up in the house.
Q Did your father try to get your name on the roll? A Yes, but he never went himself.
Q What was the name of your father? A Monday Durant.
Q He didn't go with you to Arkansas and Texas? A No, sir.
Q He lived right here? A Yes, sir.
Q He recognized you as his child? A Yes and my stepmother.
Q How old were you when you left your father? A I dont know sir.
Q How old when you came back to the territory? A That's something I couldn't tell you.
Q You were married in Arkansas? A Yes, sir.
Q Did you have any children in Arkansas? A Two.
Q You were a grown woman when you came back to the territory? A Yes, sir of course I was.
Q Had you corresponded or written letters to your father and stepmother here in Indian Territory while you were gone? A No, sir we didn't know nothing about writing or where to send anything until one of the men, a cousin of mine, he wrote a letter out to see if he could find any people and we found my people.
Q Your father recognized you as his child when you got back to the territory? A Yes, sir.
Q When you went away you were young, were you a baby? A No, sir when I came from Alabama.
Q Were you grown when you went to Arkansas? A No, sir.
Q Were you old enough to be married when you left here for Arkansas? A No, sir.
Q When was the first time you yourself made an effort to have your name put on the roll as a Creek freedman? A The first time I made an effort was the time they was to a place--let me see what did they call the place-- at Lee that's the first place and that was with the Commission.
Q How many years ago was that ?A That's been a good many years since they first began working in here.
Q Was it nine or ten years or more than that? A I don't Know whether that much or more but there was the first time I presented to the white population about it.
Q To whom did you talk there ? A I couldn't tell.
Q Was it to the Creek tribal authorities? A No, sir the Dawes Commission
Q Did you at any time before that personally try to get your name on the tribal rolls? A No, sir that was the first time I went up and aimed to fight my case myself. The man that was in office had to tend to such things.
Q Did you say that your owner was a Creek? A Yes, sir
Q Freedman or Indian? A Indian; my mistress was a Creek Indian.
Q Did you ever talk to her? A Yes
Q Talked to her a whole lot? Well talked to her, anything I wanted to ask I talked about it.
Q What language did you talk? A I talked the very language I talk now.

I never knew much Indian, could talk horse and bread or something like that in Indian.
Q Your mistress talked English then? A Yes, sir.
Q What is horse in Creek? A Istolopilna.
Q What is bread in Creek? A Tallike.
Q Was your master a Creek Indian? A No, sir he was [redacted] .
Q Was he a negro? A No, sir white man; mistress married a white man and he carried us out.
Q What was the name of your mistress? A Sarah Ann McGirt.
Q Did she bring you here from Alabama? A No, sir her mother did. She was one of the old lady's young girls.

Mr. Hastain asks interpreter McDermott if the witness used the correct Creek words for horse and bread. Mr. McDermott states that the first word applies to a shoe and the last word is right and the witness says "That's right"the horse is eholoc it has been a long time since I went over it." Mr. McDermott states that the correct word for horse is ehothlocco.

COMMISSIONER.

Q Can you figure out how many years it was after you came to the territory from Texas before you tried you or your father to be put upon the roll? A My father started it right away, worked for it while we lived around him until we got further off.
QThere was a railroad when you came to the territory from Texas? No, sir, a whole lot came through by land.
Q Did you come from Texas in a wagon? A Yes, sir all the way.
Q Where did you come to? A We came with a lot of people
Q Where did you stop? A We camped along and then we came up to Muskogee
Q Did you go back to Texas after that? A Yes, sir.
Q How long after that did you go back to Texas? A We staid here till about fall of that summer.
Q How many months did you stay? A We staid the summer and went back in the fall.
Q What did you go back for? A To dispose of some things we had.
Q Then how long did you stay in Texas when you went back there? A Until the next spring .
Q That was several months? A We came back in time to plant corn and cotton.
Q You put in a crop that spring? A Yes, sir, I put in some with my father and some with another man.
Q What month do you think it was you got here the second time that you came? A It was in the early of the spring because we was here in time to plant the corn and cotton.
Q What time do they generally plant corn and cotton? A Generally plant it in March or in April, not so much in March,but in April and May they plant the full crops.
Q How often have you ever heard of their planting crops in March? A Right smart; I plant corn in March myself.
Q Do you plant cotton in March? A Not much for it is generally cold; its worse now than it was then, seems like it is colder.
Q Who came with you the second time from Texas? A My brotherinlaw Willis Lowrin.
Q Who else? A There was no other man with us ; we just came with a crowd.
Q What women? A My niece and her mother and my daughter.
Q What were their names? A Rendie and Flora Franklin, was Lowrin then.
Q What's your daughter's name? A Penn Rowe now.
Q Did you give the name of your niece as well as your child? A Marinda Humphreys that's my niece.
Q She was with you was she? A Yes, sir.

Q Did she come up with you the first time you came from Texas? A Yes, sir.
Q And went back to Texas with you? A Yes, sir.
Q And then came back with you after you sold your household goods? A Yes, sir.
Q Was there a railroad when you came back the second time? A No, sir there wasn't.
Q You didn't see any railroad? A No, sir.
Q Did you hear that there was a railroad being built at that time? A No, sir
Q Were you likely to have heard? A Yes, sir I might have heard if I had been close enough.
Q Where did you come? A I couldn't tell you now.
Q Did you strike any towns at all? A No, sir only little places.
Q Can you remember the names of these places? A No, sir.
Q Were you living with your niece Marinda Humphreys in Arkansas did you go there together? A Yes, sir she lived a piece from me.
Q Was she married in Arkansas? A Yes, sir.
Q And then you and she went down to Texas did you? A We was altogether when we went to Texas.
Q Did her husband go with her to Texas? A Yes after they were married.
Q Did he come up here with her? A Yes, sir, then he was kind of sickly and he went back; that is where she said that they came on the railroad
Q Did she have a child born to her in Texas? A I think she did.
Q Do you know if it was born to her in Texas or in Indian Territory? A I think she had one born there but I am not certain.
Q Do you know whether she had a child born to her in Texas? A I think she did bit I wouldn't be positive for fear I might be wrong.
Q Wouldn't you remember if she had a baby in arms when she came up by wagon from Texas up here the second or the first time either one? A I don't know for certain whether it was when she came or whether when she went back. After we moved up here his health wasn't good and they went back; that's one time they went I didn't go back. When she came back she had a baby.
Q She went back the third time after you had been up here the second time? A Yes, sir
Q Then she came into the territory how much later after she had been back to Texas? A I just never can bring that up.
Q She came to the territory then three times from Texas? A Yes, sir I know she did.
Q And you don't know whether this child was born when she came up with you or the last time, you don't know which? A No, sir I don't know which.
Q That child wasn't born the first time when she came up from Texas? A I don't think it was but I won't be positive.
Q At that time you claim that your father or somebody was trying to get some council member to introduce you, who was chief of the Creek Nation? A I don't know the first chief that was in when we got here but I know that Sam Checotah I remember him and Mr. Owens. The one that was in when we came I don't remember him.
Q Do you know from hearsay or any other way the name of any member of the Creek council? A Yes, sir I won't be certain/ Mr. McIntosh was in I think, Henry Reed, Sip Sango and Ned Robin. I remember them
Q Do you know that any of these was a member of the Creek council? A Yes, sir.
Q How do you know? A Because at certain times in the fall they went up there.
Q Would that make them council members? A They went there to transact business for the rest of them; that's what I take it for.
Q How do you know they went for that purpose? A That was the talk at that time.
Q Did they tell you that? A No but that is what they said.

Q What is that McDonough's first name? A Bill or William.
Q And was the first time you came up you stopped a little while in Muskogee? A Yes, sir down in that part of the country.
Q Was it Muskogee? A Yes, sir that they made it Muskogee.
Q What was it called at that time? A I don't know, it was just a little place.
Q Where did you come to the first time you came up here? A Muskogee.
Q Are you sure it was called Muskogee then? A Yes, sir it was called something. There wasn't any houses here hardly.
Q How big a town was it? A It wasn't any town at all; Old Agency was called the town.

WILEY SOOKEY, being duly sworn, testified as follows: Through Jesse McDermett official interpreter.

Q What is your name? A Wiley Sookey.
Q What is your age? A I don't know how old I am.
Q What is your post office address? A Muskogee.

ATTY. FOR APPLICANT.

Q State whether you are a citizen of the Creek Nation? A I am
Q Have you received your allotment in the Creek Nation? A Yes, sir .
Q State whether or not you have ever held any official position in the Creek Nation? A I served as a member of the house of kings for eight years.
Q State whether or not you knew Flora Franklin and the other applicants in this case? A I do.
Q State whether or not they were slaves of a Creek citizen if you know? A Yes, they were slaves of a Creek citizen.
Q State if you know when the returned to the Creek Nation after the War? A I don't know just how long after the War it was but I was visiting her father who lived up north of here and I saw them there visiting him in the month of July.
Q Do you remember when the Dunn payment was made? A Yes, I recall the payment.
Q Do youremember when it was with reference to the time you visited their father? A I am unable to state positively how long it was after the payment was made but it was about two or three months.
Q Do you remember the name of the owner of the applicant? A Sarah McCurtain or Sarah something. She married a non citizen and moved to Texas and I have never seen her since.
Q What was her husband's name? A I don't know his given name but think his last name was Smith.
Q Did Smith come back to the Creek Nation after the War? A I don't know. The only party I knew of coming to this country were the daughters of Monday Durant.
Q These two women the names of whom you called over a while ago? A Yes
Q Did you ever know any one by the name of McDaniel? A No
Q Have you known Flora Franklinand Sarah Ann Drew from the time they returned to the Creek nation up to the present time? A Yes, sir.
Q You may state where they have lived during that time? A One of the women lives north of here in town and the other I don't know where she lives. The one living here in town is blind and unable to walk.
Q You may state whether or not they were allowed to live here and improve places in the Creek Nation? A Yes, they were.

COMMISSIONER/

Q Did you ever go to see the father of these women any more? A Yes,sir
Q When was the next time you went up there to see him? A I have visited him frequently in coming to town and stopping all night with him.
Q Do you know how long these applicants had been at Durant's house when you got there? A I didn't make any inquiries as to the time they had been there but the old man told me they came back in July.
Q What July? A That same July, the July before I went.
Q You are sure he told you that? A Yes, sir old man Monday told me that
Q Have you ever seen these women since? A Yes, sir.
Q Did you see all them frequently? A Yes, they live close neighbors to me now .
Q I thought you said a while ago you didn't know where one of them lived? A The old lady who stepped out a few minutes ago is the one I had reference to about not knowing where she lives. The blind woman lives right close to me.
Q How long has that blind woman lived there? A I am unable to state.
Q Do you know how long she has lived in the Creek Nation continuously? A She was born and raised there.
Q How do you know that? A They are close neighbors of mine.
Q Continuously means right along. Do you mean that that old blind woman has lived there all the time never been out of there?A Just a short time before the War her mistress married a white man and went to Texas and after she came back from there she has been residing there since.
Q You say her owner went to Texas did she go to Texas herself? A Yes
Q When was that? A I am unable to state what year.
Q Was it before, or during or after the War? A It was before the War.
Q How long did she stay away? A I don't know,but she was down there all during the War.
Q You say you live right close neighbors and you say that because you are close neighbors you know she was born and raised there and lived there all the time. And their mistress married and went south and they staid there during the War and when she came back she was an old woman, was the War over when she came back? A Yes, sir.
Q How long after the War? A I am unable to state.
Q Do you know what year the Dunn payment was made in? A I don't know what year it was but it was Sam Checotah's administration.
Q How long is it since you have seen this old woman that just stepped out? A I see her frequently on the streets here in town but I don't know where she lives.
Q Do you know that you saw her at Durant's house that time you are talking about? A Yes, she was a young girl at that time.
Q Was that old blind woman a young woman at that time?A She was also young.
Q Are you positive that this old blind woman in Muskogee whomyou have identified as the applicant was also a young woman at that time you saw her at Durant's house? A Yes, sir.
Q Add that this other old woman was a young woman at the time you saw her at Durant's house? A Yes, sir they were both young then.
Q How old was Durant at that time? A He was a very old man at that time. He and I came from Alabama together.
Q Did he ever tell you that those were his children? A Yes, sir.
Q Do you know how many times this old blind woman and this other woman who just left the room went to Texas? A Only once to my recollection.
Q And you lived right close to them all the time? As to their going down there any more than that I don't know.
Q Did you ever see them at Durant's house more than once? A Yes,sir
Q When was the next time you saw them there? A Saw them after the War.
Q How long after this time you speak of before you saw them at his house again? A I can't tell just when I did see them. I have been there so many times I can't tell when it was.
Q Did you go there more than once a year? A Yes, sir a number of times.

Q From the time you first mention having seen these women the applicants at Durant's house from that time up to as much as a year did you ever see them there again? A Yes, sir.
Q How many times in that year did you see them? A I can't tell you how many times I did see them there; every time I came I would see them.
Q Did you see them there that year as many as ten times? A Yes
Q Did you see them there every month in that year? A Yes; I have been seeing them very often from the time I first saw them
Q Was that the first time you ever saw them that time you went up there to Durant's house? A Yes, that was my first time.
Q How old was the oldest of these women at that time? A I am unable to state how old she was(indicating the height) would be 12 or 13 years old.
Q I refer now to the time you answered Mr. Nastain about the circumstance of going to Durant's house and seeing these women; do you now state that that old blind woman was only 12 or 13 years old at that time? A I stated that when I first saw them at Durant's house that they were young but that when they went to Texas and came back they were old women; I still say that.
Q Was that oldest woman when now old, feeble and blind, was she old enough to have had a child that first time you saw her? A No, sir.
Q Then the first time you saw these applicants in this case the oldest was about twelve years and not old enough to have a child? A Yes; sir they appeared to be a little over ten years old. They were little girls when they left here and went to Texas and when they came back they were very old women..
Q You are not answering my question; I told you I was referring to the time you answered to your lawyer about having seen them at Durant's house. Did I understand you right that the first time you saw these people in the Creek Nation was when they were about ten or twelve years old and that the next time you saw them they were old women? A Yes, sir when I saw them after the war they were old women.
Q Is it a fact that you saw them there at his house when they were ten or twelve years old and then they went to Texas and when they came back they were very old women? A Yes, sir
Q You didn't see them then from the time they were ten or twelve years old until they were old women ? A Yes, sir that's right
Q You think they could have staid down there as much as thirty years? They must have certainly lived down there a good while as they had children when they came back and they couldn't have had when they left for they were only ten years old? A No
Q Do you testify often in Creek citizenship cases before the Commissioner here? A No
Q Didn't you in the last four years testify in at leas fifty cases? A I appeared in that room (indicating the last room occupied by this division) in 1904 and since then I have not been in here at all.
Q You appeared pretty often back there in 1904 didn't you? A Yes, sir
Q That was the time we were hearing applications for enrollment? A Yes
Q Just before the close of September 1904? A Yes, sir
Q Were most of those cases freedmen cases like this one? A Yes, sir
Q Have you been offered any money to testify here today? No
Q Has anybody offered to pay your expenses up here for testifying? A No, I paid my own expenses.
Q Were you offered any money or did you ever receive any money to act as a witness in citizenship cases? A No
Q Were you ever paid your expenses to Muskogee in order to testify in citizenship cases ? A No. A lot of people have wanted me to testify in their cases but I refused quite a number of them . I live here in town.
Q What proportion of the number of people that asked you to testify have you refused? A I can't tell the number that I have refused but have had them come to me and if I didn't know the parties I always told them so.
Q Do you live in this town? A Yes, sir I am at present living in

town and my home place is over across the river north of here.
Q You are an Indian by blood? A Yes, sir
Q You belong to a Creek Indian town and not a Creek freedmen town, is that right? A Coweta is my town.
Q You speak English pretty well don't you? A I speak a little English, not much; I never had any learning.
Q Was it your habit to associate with the negroes? A Yes, sir
Q You visited around their houses did you? A Yes, sir.
Q Have you visited around the houses of a great many other negroes other than this you speak of? A Yes, sir
Q Is your memory very good? A I have a pretty good recollection but I am uneducated.
Q Do you know dates at all? A As far as I can recollect.
Q You say you remember seeing these people two or three months after the Dunn payment? A Yes
Q Could it have been a year and two months after the Dunn payment? A It might have been.
Q What particular recollection have you of the time you met these people what brings it to your mind that it was two months after the Dunn payment? A Old man Monday told me himself.
Q Old man Monday told you that they came back two months after the Dunn payment is that it? A Yes, sir
Q You didn't see them then two months after the Dunn payment? A He told me that they got back about two months after the payment.
Q Isn't it a fact that most of the statements you have made this afternoon are based on things that have been told you? A No I made my statements according to my recollection.
Q Do you recollect the family history of most of the negroes living in the vicinity in which you lived just subsequent to the Dunn payment? A No, sir.
Q Was that time you saw these two women applicants in this case at Durant's house about two months after the Dunn payment the first time you had ever seen them? A No, sir it was after their return from Texas.
Q Was it a long time before that since you had seen them? A Yes, sir I saw them before they went down there.
Q Were they old women when you saw them that time which you say was about two months after the Dunn payment? A Yes, sir.
Q And the last time you saw them before that what were they? A They were little girls at that time.
Q And do you state that it was your impression that they had been in Texas all that time from little girls to old women? A Yes, sir. I don't know how long they staid there.
Q Is Monday Durant living or dead? A Dead.
Q When did he die? A He died here, I don't know whether it is ten years since he died. He was a member of the council represented Canadian colored town.
Q Wiley have you ever been in Jail? A Yes
Q In the last year? A I served two and a half years in the Detroit Michigan penitentiary.
Q What was that for? A I got mixed up in a pension case .
Q Wasn't it for false swearing--perjury? A Possibly so. Some lawyers here in town got me to touch a pen for them and I understood that is what it was for. I think all of these things occurred about thirteen years ago. The way I figure that is that it has been about five years since I left the council.

ATTY. FOR APPLICANTS.

Q Have you been a member of the Creek council since the time you speak about having served a time in the penitentiary? A Yes
Q For how long? A Eight years.
Q Were you town king of an Indian town? A I was a representative of Coweta town and that is an Indian town. There was only three colored towns--Canadian, Arkansas and North Fork.

ADJOURNED until March 20, 1906.

HEARING, resumed March 20, 1906 at 10 o'clock A.M.

TOM HUMPHREYS, being duly sworn, testified as follows:

Q What is your name? A Tom Humphreys.
Q Are you any kin to Marinda Humphreys? A Yes, she is my wife.
Q You are not an applicant in this case are you? A No.
Q How long has she been your wife? A A long time; I don't know how long; 30 years and more.
Q Where did you marry her? A In Texas.
Q What was her name before you married her? A Marinda Lorin.
Q That was her maiden name? A Yes, sir her father was Lorin.
Q How old are you? A Something over fifty.
Q Don't knowyour age exactly? A No, sir.
Q How does that come? A I don't know when I was born; Iwas here before the War.
Q You were never told the year you were born? A No, sir
Q Negroes very often don't know the date of their birth? A Np, sir.
Q Did you never hear from any white people how old you were at any definite period so we could figure it down?A No, sir
Q Do you remember dates very well? A No, sir.
Q Were you married by a license? A Yes, sir.
Q Have you that license with you? A No, sir.
Q What is your post office address? A Muskogee.
Q Have you that license in your possession? A No, sir.
Q Why not, didn't you try to keep it? A They never gave it to me.
Q Are you sure you got one? A I went to the office with my fatherinlaw and got it.
Q Where? A St. Marcus.
Q It ought to be on file in the office there now? A I don't know sir.

ATTY. FOR APPLICANT.

Q When did you first become acquainted with Marinda Humphreys your present wife? A Before she came up here to the nation.
Q Where did you first meet her? A At See Willow.
Q In what state? A Texas.
Q Did you come to the Creek Nation with her the first time she came? A No, sir.
Q She again returned to Texas did she? A Yes, sir, she was back the second time.
Q It was on that second trip to Texas that you were married to her was it? A Yes, sir when she came up and went back I married her.
Q Then you came to the Creek Nation with her? A Yes, sir.
Q What did you do when you came to the Creek Nation? A You mean the first year or what?
Q Go ahead and tell? A I didn't do anything the first time I just worked about.
Q Then what did you do? A Then I went to farming the next year.
Q That was the next year after you came? A Yes, sir.
Q You may state how long you farmed and at what place? A After I went to farming I farmed two years at John Cook and two years at uncle Abe Kernels and one year at Aunt Cinda McIntosh and one year for John Cook's son.
Q Then what did you do?A I got sick and took my wife andwent back to Texas to a doctor.
Q How long did you stay in Texas? A We didn't stay so very long, we didn't stay a year I don't think.
Q Then what did you do? A We came back.
Q To the Creek Nation? A Yes, sir.

Q Then you came back to the Creek Nation did you continue farming as you had before? A No, sir I built a place. I farmed and rented some and build a place for myself or for my wife.
Q Your wife claimed to be a Creek citizen did she? A Yes, sir.
Q And you built a place for her? A Yes, sir
Q How long did you live on that place? A The first one I built I lived on about a year I think.
Q What did you do with the place? A I sold the house and things to another citizen.
Q And then did you improve another place? A Yes, sir.
Q While you were improving these places and living upon them state state whether or not the Creek Nation permitted you to improve these places and live upon them? A Why they did allow me to build it. The men of the council told me that the chief said for us to build us a place.
Q And the nation-did it make any objection? A No, sir.
Q To whom did you sell this first place? A Aunt Caroline McIntosh.
Q Did she ever have any trouble about this place after you sold it to her? A She had given it to her son and he wanted to move over on another citizen and the other citizen had a place adjoining and he wanted to go over there. This citizen went to work and wanted to quarrel with him about it and called me as a witness as to what me and him had agreed and I agreed with him not to go over there and the judge told him he had no right over there that I had right to work there for my wife and a Light Horseman set a post and he couldn't go past that post.
Q State whether or not in that hearing before the judge was the question of your wife's citizenship raised, did anybody claim your wife weren't a citizen ? No sir they said my wife was one and I had a right to work it for her.
Q Did he say why your wife had a right there? A No, more than he said he has a right to sell that on account of his wife.
Q Did he say why your wife had a right? A No, sir
Q He said you had no right? A Yes, sir.
Q Did he say why your wife had a right there? A He said of course he has no right but he is working for his wife.
Q You stated that you afterwards took up another place ,state whether or not you ever had to work the roads or anything of that kind? A Yes
Q Who made you work these roads if any one? A The Light Horse and the citizens. I didn't want to work the roads but they told me I had to work them on account of my wife.
Q Were you or your family required by the Creek Nation to pay a permit tax? A No, sir.

COMMISSIONER.

Q That first place you claim you sold, did you buy that place before you sold it? A No, sir
Q Just only squatted on it? A Yes, sir. They told me to do it.
Q To do what, sell it or squat on it? A The light horseman told me to go and build on it.
Q Did you think a light horseman could do that? A They brought a message from the chief.
Q To whom was it written? A It wasn't written.
Q Just some fellow rode up on a horse and told you that? A No, sir 3 or 4 councilmen told me that.
Q How many came to see you? A Four.
Q That first time? A Yes, sir.
Q Did they meet you at the train? A No, sir, I was here farming about on places.
Q Then you must have been on there before any one told you about it? A No, sir I didn't go on there until they told me.

Q [illegible] A They came to my home where I was farming.
Q You [illegible] I was farming on another man's place.
Q [illegible] A Yes, sir.
Q [illegible] A No, sir all
Q [illegible]
Q What did they tell you? A They said they had heard from the council
Q [illegible] and fix up a place for my wife.
Q Are you sure [illegible] A Yes, sir.
Q Stop and think; you are under oath A Yes, sir.
Q Tell exactly what they told you? A I was trying to rent land some
place and they said why don't you go to work for your wife you have a
right.
Q How did they happen to talk you that? A They just came from council .
Q How long had you been in this country at that time? A About six
or seven years.
Q Before they said a word to you about your squatting on any place? A
Yes, sir, I had been to Texas with my wife and come back.
Q Who were these four men? A One was Simon Brown.
Q What's he? A A Council member.
Q What kind of a color? A Colored.
Q Full blood negro? A Yes, sir.
Q Creek freedman? A Yes, sir
Q Sure of that?A Yes, sir And Robert Hawkins and Robert Marshall.
Q Creek freedman? A Yes, sir.
Q Who else? A Governor McIntosh.
Q Creek freedman? A Yes
Q Living? A Dead.
Q Who else? A Sells Snow.
Q Is he living ? A Yes, sir.
Q Creek freedman? A Yes, sir.
Q Anyone else in that crowd? A I don't remember whether there was or
not.
Q How did they come out ? A Why they just came there and told me.
Q Did they come there to see you or just happen to drop in?A Came there
on purpose to tell me to get a place and fix for my wife. Said they
were sent there for that purpose by the council.
Q Had you ever appeared before the council yourself? A No, sir.
Q You never appeared before the council yourself? A No, sir.
Q When you squatted on land was seven years after you got back from
Texas the last time? I staid here and farmed six years and then went
back to Texas and then when I got back I took up the land .
Q When you came back here with your wife did you stay here a number of
years? A We sir I think it was about two years because I started to
make another crop.
Q Now answer this about when did you first strike the Indian Territory?
A It's been about forty years ago.
Q Was it right after the War? A Tolerably close.
Q A year or two after the War? A A year or two.
Q Where did you come from? A From Texas.
Q What did you go back to Texas for? A I was sick.
Q Did you marry your wife in Texas? A Yes, sir.
Q Then you came back here again did you? A I married my wife first
time and I came with her and then I went back sick.
Q How long did you stay here in this country? A About five or six years.
Q With your wife? A Yes, sir.
Q You just lived on a place and worked for somebody? A Yes, sir
Q Then you went back to Texas did you? A Yes, sir When I first came
I farmed first one place and then another, then when I went back and
came back again I went to work on a place for her.
Q You were here five or six years and worked around and then you went
back to Texas and staid a while because you were sick, how long did
you stay in Texas that time? A Four or five months.
Q Did you have a home down there? A No, sir
Q You worked down there? A For a doctor.
Q You and your wife both worked for him? A Just me.

Q Then you came back here? A Yes, sir
Q How long after you came back here before you started to squat or get on pieces of land? A That next spring.
Q [illegible] time in the year did you get back here? A Long in the edge of the winter or fall.
Q Do you know the name of the Chief of the Creek Nation at the time you came back here the second time? A No, sir.
Q You didn't go to see him did you? A No, sir.
Q Did you when you came back here the second time go to the council? A No
Q Now is it that these men whom you state called on you how is it that they knew anything about your wanting to squat on land?

OBJECTED to by Atty. for applicantss to the question as asked because there is no evidence as to him ever squatting upon any land in the Creek Nation. The objection is simply as to the term squat .

Q Now is it that they knew you wanted to take up a piece of land here in the Indian Territory? A I don't know sir; my wife was a citizen.
Q You say your wife was a citizen. What do you know about being a citizen? A They said she was.
Q Who said so? A First one and then another.
Q Did your wife or did any one for her ever try to be admitted as a freedman before any of the authorities? A She never did.
Q You haven't answered the question I asked you a minute ago. How is it that these men came to you and told you that you could go on a piece of land? A They wanted her to get on a piece of land; she was all right except being recognized or something.
Q Why did they want her to get on a piece of land? A I couldn't tell you.
Q Did you ever ask them to get on a piece of land? A Some of her folks might have.
Q What did you know about her claim to being a Creek freedman? A I didn't know anything aboutit.
Q Only what some one told you? A Yes, sir
Q Was she ever recognized in any way asa Creek freedman?A No, more than my working for her.
Q You were her husband weren't you? A Yes, sir
Q You say that you worked on the road some times? A Yes, sir
Q Are you positive that the proper person of the Creek Nation made you do that work? A Yes, sir.
Q You know that? A Yes, sir.
Q Who was it? A The road master and the light horsemen.
Q Did you ever know of any other negro, not a freedman, working on the road? None but them that had wives here.
Q I asked you if you knew of any common state man like yourself? A Yes if they had a wife.
Q Didn't pretty near everybody work? A Not them that didn't have a citizen wife.
Q Did you ever wear a feather in your cap? A No, sir
Q Did you ever go to the Creek council? A No, sir
Q Never went to any of these meetings elections and things? A No, sir
Q Did you ever vote? A No, sir
Q Did you ever try to vote? A No, sir.
Q Did any one talk to you about voting? A Told me I couldn't vote
Q Did they tell you why you couldn't vote? A Because I was a statesman.
Q They didn't say you could vote for the same reason you had to work the roads? A No, sir
Q Were you ever whipped by the Creek authorities? A No, sir
Q Ever see anybody get whipped? A Yes, sir.
Q How did they do it? A Tied a rope around their hands and whipped them
Q What with? A Whips.
Q How many people haveyou seen whipped? A Four.
Q How many lashes did they get? A Fifty; all fifty but one.
Q How many did he get? A Twenty five

Q You say they made you work on the road but you never voted and they never whipped you. Did you never do anything that would merit punishment? A No, sir

Q You say you sold your land to Aunt Caroline McIntosh was she any kin to you or your wife? A No, sir

Q Who was her man? A She didn't have any.

Q She was a maiden lady? A Yes, sir.

Q Was she a citizen of the Creek Nation? A Yes, sir.

Q Is she dead? A No, sir not as I know of.

Q Is her name Caroline McIntosh now? A Yes, sir

Q How much did she give you for it? A Sixteen dollars.

Q How big a place was it? A Just a small place fenced and a house.

Q Did you build the house? A Yes, sir.

Q Out of logs? A Yes, sir.

Q Did it take you more than a day to build it? A Yes, sir

Q Took you more than a day to build it? A Yes, sir.

Q Took the furniture with you? A Yes, sir

Q But you gave her the house and fence for $16 ? A Yes, sir

QWhat kind of money did she give you? A Silver I think.

Q How big a place was it fenced? A Just a small place.

Q Was it a quarter of mile of fence? A No, sir not more than a quarter of an acre.

Q If you had a piece of a quarter of an acre that doesn't mean a quarter of fence. How much fence was there around that piece? A About a quarter of an acre fenced in.

Q A quarter of an acre fenced and a house? A Yes, sir.

Q Did it have more than one room? A One large room .

Q Roof on it? A Yes, sir

Q And you sold that place and the fence around it and the house for $16.00? A Yes, sir

Q How long had you been on it before you sold it? A Not very long; about 3 or 4 months.

Q The house was new? A Yes, sir.

Q How long did it take you to build it? A About a week or two

Q That quarter of an acrew is all you took up for your wife? A Yes,sir

Q What you sold? A Yes, sir.

Q Never took up any more? A No, sir

Q What have you been doing since that time? A I built another place.

Q Was it in the same locality? A Close by.

Q Did you sell that? A No, sir.

Q Why didn't you? A I kept it.

Q How long did you stay on that second place? A Ten or twelve years .

Q Did you sell it when you got off? A No, sir

Q Did you just go off? A Yes, sir another man filed on it.

Q What do you mean by that--came down here and filed? A Yes, sir I staid on that 8 or 9 years, I don't know how long.

Q You staid on that first place--that quarter of an acre-- a few months then you sold it for $16 then how long before you went on the second place? A Right away.

Q And you staid on that 10 or 12 years and then you had to get off because some one filed on it.No answer.

Q How long was it after your second coming back before you went on that first place? A It wasn't long.

Q Was it as much as a year? A Not quite a year.

Q Where did you go then after getting off that second place? A I come to town.

Q You quit then living on places? A Yes, sir.

Q When you got to town you had to buy a place or rent? A I bought one.

Q You didn't buy that second place? A No, sir

Q What right had you on there, did any one tell you to go on that second place. I will explain why I said squat because you did squat, you came there without consulting anybody or asking permission or having been told that you had any right by sale or renting from any one or by a grant from any government or any country? That second place--were you authorized by any government or any individual to go on that? A Yes, sir

Q Isn't that the way you went on the first place just the same way as on the second? A I had to ask permission if anybody had that claim there I just took it for my wife.
Q The first or second? A The first whether anybody had a claim.
Q They just told you you could have that little place as long as you didn't bother anybody. Hadn't you previously told them something about your wife's claim to citizenship? A They told me she was a citizen.
Q You didn't tell them anything about it? A I don't know.
Q How did they know anything about it if you hadn't told them? A I think it was her kin people.
Q Who were the people? A Her grandfather Monday Durant and several other persons.
Q They were the ones that told these men of the nation whose land you wanted to get on--Monday Durant told these men that it would be all right if you and your wife went on the land? A Yes, sir.
Q Did you ever hear any of these councilmen making such statements as that? A Hm, sir
Q Making this kind of a statement that your wife could go on to land because she had any right? A Yes, sir.
Q You heard them say that? A Yes, sir.
Q You are sure you heard them say that? A Through the neighbors.
Q Just talked in a casual way among the neighbors that you and your wife claimed she had certain rights? A Not me but her.
Q You had permission then from the neighbors to go on the first place didn't you state that you had permission from the neighbors, that you went to some of them and talked about it didn't you state that? A No, sir
Q How could these councilmen instruct you to go on land? A They said they got it from the chief.
Q Did you instruct them to go to the chief? A No, sir.
Q What interest had they in the matter? A They were claiming my wife to be a citizen.
Q Who was claiming, the councilmen and the neighbors?
Q Did the councilmen ever attempt to get your wife on the rolls, did they or did they not? A It strikes me this way that old man Durant tried but he was too late.
Q Did you ever hear him say he tried? A Yes, sir I heard him say he tried but he was too late; that he hadn't time enough or something.
Q Didn't go to the council in time is that what you mean to say? A I don't know whether it was enrolling her or not.
Q Then you don't know whether Durant went to the council to try to get your wife enrolled or not? A I didn't see him there.
Q If these councilmen took so much interest in your family as to say your wife could go on a piece of land, wouldn't it reasonably be supposed that they would present her claim to the council? A Yes, sir
Q But they didn't present it? A It has been so long I don't recollect.
Q Did you ever have any children by any women except this woman? A No
Q Did you have any children by her before you married her? A No, sir
Q Did you make two trips to the territory with your wife? A No, sir
Q How many did you make? A One .
Q Did you leave your wife up here the time you went back to Texas when you were sick? A No, sir
Q Did you take your wife back to Texas with you? A Yes, sir
Q Then didn't you bring her back with you ? A Yes, sir.
Q And you didn't come to the territory any time before that? A Before I took sick. Yes sir I came back with her the first time I came.
Q Now the first time, before you were sick, who else came with you? A Aunt Sarah Drew and her mother.
Q What was her name? A Flora Franklin.
Q Any one else? A Some other wagons along with us.
Q I said who? A Walker Newman and Davis.
Q A big party? A Yes, sir
Q And of your wife's people, she and Sarah Ann Drew and Flora Franklin they were the only ones? A The first time there was only three.

Q I asked you about the [illegible] came to the Indian Territory before [illegible] was all [illegible]
[illegible]
Q [illegible]
Q [illegible] Parmalee [illegible]
Q [illegible]
Q What your [illegible]
Q [illegible] you [illegible] with [illegible]
to Indian Territory [illegible] first time you [illegible] here with
her, do you know if your wife had ever come to the Indian Territory
before that? A Yes, sir [illegible] came up here before we married.
Q How do you know she did? A She told me she was going.
Q Did [illegible] A No, sir.
Q [illegible] arrive? A No, sir
Q Then the second time you came up, after you went down for your
health, who came in that party? A Me and my wife.
Q You came alone? A We came on the train.
Q [illegible] of your party? A No, sir.
Q You were the only two in your party? A Yes, sir. We came alone with
a baby.
Q Was that your eldest child? A Yes, sir.
Q You are sure you had her with you? A Yes, sir.
Q Carried her in your arms? A Yes, sir.
Q Where was that baby born? A In Texas.
Q While you were there for your health? A Yes, sir.
Q You say you came on the train that time? A Yes, sir.
Q How long was that after your first trip to the territory? A Right
on to 5 or 6 years.

ATTY. FOR APPLICANT.

Q How old is your eldest child? A Up in 31 or 2 I think.
Q State whether or not your wife knows anything about dates, whether
she has a good memory for dates? A No, sir ,she gets off there.

COMMISSIONER.

Q Didn't you tell me at the beginning here that you didn't know dates
very well? A No, sir I know them .
Q You don't know your own age? A No, sir
Q Do you know what year this is? A Yes, sir
Q What year is it? A 1906.
Q Do you know what year you came to the Indian Territory? A No, sir
Q Do you know how many years ago it was? A No,
Q Do you know how many years you have been in Indian Territory
continuously this last time? A I couldn't hardly tell you.
Q Can you tell the year in which you went to Texas for your health? A
No.
Q Can you tell the year you started back from there? A No, sir.
Q Can you tell the year you were married? A No
Q Can you tell how many years ago it was? A No, sir ;it has been pretty
near about 37 years or something along in there.
Q Was it 40 years? A I don't think it is 40.
Q Are you sure it is as much as 37 along about there or could it have
been 30? A I think we have been married longer than 30. We were
married shortly after the breaking up.
Q But you can't tell exactly how many years it was? A No, sir
Q Did they have a courthouse at St. Marcus when you went to get the
license? A Yes, sir
Q You can't tell the year you came here first, when you first went
back to Texas or the year you were married and you can't tell how
many years you have been in the territory now. You haven't a very
good memory for dates? A No, sir.
Q You haven't any better memory for dates than your wife? A Yes, sir
I can recollect better.
Q You don't show it? A We neither one of us pay any attention to dates

Q How old did you say that eldest child was? A About 32 or so I think. She is more than 30.
Q Are you positive she is more than 30? A Yes, sir. I am not positive she is but she was born a few years after we was married. Several years after we was married she was born.
Q Are you sure of that? A Yes, sir.
Q How many years was it; what does several mean; 1, 2, 3 or 4? A Two 3 or 4.
Q How do you know whether it was 2 or 4? A Near or five I reckon.
Q Are you sure it wasn't six? A Near about six.
Q Are you sure it wasn't seven? A It might have been seven.
Q Might it have been eight? A No, sir, Ithink it wasn't more than 6 or 7 or 6 along there.
Q Or 6 or 7? A I don't think it was seven but it was a good while after we was married before she was born.
Q And she was born in Texas? A Yes, sir.
Q You started out with two or three years after you were married before the child was born and you finally got up as high as seven, are you any more certain about the age of your eldest child than you are about the time she was born? A No, sir I am not sure when she was born.
Q Can you tell with any more certainty about the age of that child? A No, sir I think she is along 32 or 33.
Q How you jumped from 2 to 6 or 7 years about the time she was born could you slip along from 32 back to 26 in her age? A I am trying to get at her age.
Q Could you remember the age of your eldest child, have you any reason to remember that any more exactly t an you can remember the length of time from your marriage to her birth? A No, sir.
Q You haven't anything that would help you to remember the age of this oldest child better than you can remember the length of time from your marriage to her birth? A We lived together a good many years.
Q You are just as uncertain about her age as you are about the length of time from your marriage until she was born? A She is just about 33 years old because I say this we was married 3 or 4 or 5 years before she was born.
Q You don't know how long you were married before she was born, do you know how old that child is? A Not exactly.
Q You don't know within 3 or 4 years? A I might be mistaken.
Q How old is the next child? A She is about 26 or 7 or 28.
Q Could she be more than 28? A I am thinking.
Q Could she be less than 26? A Might be.
Q What is the next child? A Boy.
Q How old is he? A About 24 or 5; about 24 I think.
Q Could he be 23? A He is older than that.
Q Could he be 26? A He might be.
Q Could he be 27?A No, sir.
Q Can you swear he isn't 27? A He isn't 27 but I couldn't swear unless I knew exactly.
Q And you don't know it? A No, sir.
Q Could you swear he isn't 23? A No, sir.
Q I am asking you if you swear he isn't as old as 23? A I could swear that because I know.
Q Why? A Because he is between the other girl.
Q But you didn't know the other two exactly? A He is about 24 or 25.
Q And what is the next child to him? A A boy.
Q How old is he? A About 23.
Q Could he bemore than 23? A No, sir.
Q Could he be as little as 22? A No, sir he has got his age; from the time he was born he got his age about 23.
Q You couldn't swear positively the exact age of any of your children? A Not but one.
Q What one? A That one is 18.
Q Why can you swear positively to that? A It is the baby and I took note of it.

Q And you don't know of any of the others? A No, sir.
Q Can you swear positively as to any of the others? A No, sir.

ATTY. FOR APPELLANT.

Q All of these children you have mentioned were born since Dawes? A Yes
Q And born in the Creek Nation? A Yes, sir.

ATTY.FOR APPELLANT, Mr. Keetain, offers in evidence Articles 3 and 4 on page 44 of the Constitution and Laws of the Muskogee Nation, 1890 and asks that it be copied in the record.

ARTICLE III: INTERMARRIED NON-CITIZENS.
Section 1. All non-citizens, not previously adopted, and being married to citizens of this Nation, or having children entitled to citizenship, shall have a right to live in this Nation and enjoy all the privileges enjoyed by other citizens, except participation in the annuities and final participation in the lands, and in case of removal from the limits of our Nation shall not have the right to sell their improvements, provided that such person shall satisfy the Principal Chief as to their good character and honest intentions, and provided that the Principal Chief shall grant to such person permit to reside in the Nation during good behaviour.
Sec.2 The Principal Chief is hereby authorized to grant the permits herein provided for.

ARTICLE IV: Rights and Disabilities of Non-citizens.

Section 1. No non-citizen shall have a right to reside in or to own any kind of property within the Muskogee Nation, except by permit, and any non-citizen, without a permit, who shall make any improvements within the Muskogee Nation, shall forfeit the same to the Nation.
Sec.2 This article shall not be construed so as to interfere with persons who are intermarried with citizens of the Muskogee Nation, or so as to interfere with any rights guaranteed by treaty.

COMMISSIONER.

Q Then you only lived as I understand you a few months on that place you sold and that is the only place you sold? A Yes, sir.
Q And that is the only place you claim to have had a permit to live on? A Yes, sir I sold that and took up another place.
Q But you didn't sell that other place? A No, sir.
Q You got off it because some one filed on it? A Yes, sir.
Q How long did you live on that second place? A Eight or 9 or 10 years.
Q Did you have any improvements on that second place? A Yes, sir.
Q Did you sell them? A I took them off that is the house and left the fence, it was wire and I didn't want to bother with it.
Q Didn't draw up any writing or anything with that first sale? A No, si sir.
Q Just offered you $16 and you took it? A Yes, sir
Q What did he offer that for--the land, fence or what; for the whole claim for the whole business? A Yes, sir.
Q How much did you consider that house worth? A About $25 or $30
Q How much was the fence worth? A You are talking about the first or the last?
Q The first? A The fence was worth $10 or $12
Q And the house was worth $25 or $30? A Yes, sir
Q And you sold it all for $16? A Yes, sir.
Q Why did you do that? A I didn't want that place and they wanted it and I hadn't any money and I couldn't get any more out of it and I wanted to get on another place and I just sold out and took $16

By consent of all parties in interest this case was continued from March 20, the date of the last hearing, and the hearing is resumed this March 23, 1906.

APPEARANCES: B. Mantain, attorney for applicant.
Merritt Ellick, for M.L.Mott, attorney for Creek Nation.

ABE PRINCE, being duly sworn, testified as follows:

Q What is your name? A Abe Prince.
Q What is your age? A I really don't know my age but I guess I am sixty years old.
Q What is your post office address? A Redbird, Indian Territory.
Q Do you know Flora Franklin? A Yes, sir.
Q Do you know that she is the applicant in this case?A Yes, sir.
Q How do you know that? A I know that she always tried to get on the rolls.
Q Did you ever testify before in this case? A No, sir.
Q How do you know that the Flora Franklin you know is the one that made application for enrollment? A She called on me and I thought she wasthe same one.
Q Is she here now? A No, sir not here.
Q Do you know Sarah Ann Drew? A Yes, sir.
Q Do you know Marinda Humphreys? A Yes
Q How long have you known Flora Franklin? A Since the War, after peace was declared.
Q How long after peace was declared did you first get acquainted with her? A About a year.
Q Are you sure of that? A Yes
Q How can you be sure of that, is there anything fixes it in your mind? A I don't understand you.
Q Are you sure it was two years after peace was declared? A It was two years after peace was declared.
Q Are you sure it wasn't three years? A It was two years as I recollect it.
Q You stated one year a while ago and now two? A I named one but was going to name the other.
Q Could you name another after while? A I have done named that one.
Q Are you sure it was no more than two years after peace was declared that you first met Flora Franklin? A Yes, sir.
Q Sure it wasn't more than two years? A Yes, sir.
Q Where were you born? A On the Canadian river above Eufaula.
Q How long have you been in the Creek Nation? A All my life until the War and I enlisted for soldier and I was out just that long and then came back.
Q How long after the War before you came back? A I couldn't tell just how long I staid up to Leavenworth but quite a while then I returned back to the Creek Nation.
Q Had peace been declared before or while you were in Leavenworth? A They took us up to Leavenworth and give us our discharge there and we moved from there to the nation.
Q How long had peace been declared while you were in Leavenworth? A I couldn't tell. I am not a reading man and I couldn't tell exactly.
Q Couldn't you tell within a year or two? A I don't think I could.
Q You can't say positively then whether peace was declared two years before you were discharged from the army or not. A I was discharged from the army then after I was discharged I was taken up to Leavenworth and gave us our final discharge.
Q You don't answer my question. I asked you whether you were positive it was two years after peace was declared that you were given your final discharge from the army? A I reckon it was. I really couldn't tell positive after I got mustered out.
Q Couldn't tell positive whether it was two years after peace was declared or not? A No, sir

Q You came from Leavenworth straight to the Creek Nation? A Yes, sir.
Q How long did it take you to come here? A A week or two.
Q Had you at that time met Flora Franklin or any of these people? A No, sir.
Q After you came back here how long before you met them? A About two years.
Q Are you sure of that? A I think I am.
Q Are you sure it wasn't three years after you came back from Leavenworth that you first met these people? A It might have been 3.
Q Could it have been two? A No
Q Could it have been four? A I don't think it was four.
Q So you think after you came back to the Creek Nation it might have been three but couldn't have been four that you got acquainted with them? A Yes, sir.
Q And you think it was at least two years before you were mustered out at Leavenworth after peace was declared? A I meant it was two years after they came to this country.
Q I asked you if it wasn't at least two years after peace was declared that you were mustered out, you stated you thought it was two years didn't you? A I think so.
Q Weren't a lot of the soldiers retained for a year or two after peace was declared at Leavenworth? A I was mustered out right there
Q But I say all the soldiers weren't mustered out after peace was declared? A No, sir
Q And you don't think you were? A I couldn't tell about that.
Q Do you know if you were mustered out as soon as peace was declared? A Yes, sir.
Q You stated a while ago that you thought it was two years after peace was declared? A We was mustered out down South and came up to Leavenworth.
Q You just stated you thought you weren't mustered out until about two years after peace was declared? A No, sir I was talking about getting acquainted with Flora Franklin.
Q I asked you a plain question how long had peace been declared when you were mustered out at Leavenworth and you said about two years? A I reckon I was.
Q Then can't you now reckon if you were mustered out as soon as peace was declared? A We was mustered out but I don't know how long we was mustered out after peace was declared.
Q You don't know how long but it was after peace was declared? A Yes
Q How long had peace been declared when you were at Leavenworth being finally mustered out? A Can't tell exactly.
Q As much as two years? A Might have been. I don't know whether it was two years or what.
Q Do you know when peace was declared? A Yes
Q Were you in the army at that time? A I was mustered out at that time.
Q Can you read and write? A No, sir.
Q Haven't a very good recollection of dates? A No, sir
Q But you come very often as a witness in citizenship cases? A Yes, sir
Q In spite of your poor memory and lack of education? A Yes, sir
Q Have you ever been in jail? A No, sir.
Q Ever been tried for any offense? A No, sir
Q How many cases have you been a witness in up here? A I have been witness here in two cases.
Q Not more than two? A Two as I remember.
Q Can you tell when the War broke out? A No, sir
Q Can you tell how long the war lasted? A If I mistake not it was in 1865; I couldn't tell how long it lasted.
Q When did it break out? A I don't know exactly.
Q We can find out if you were in the army and discharged. How long after your discharge before you met these people--these applicants.
A After I came down from Kansas here to the country I met them.
Q How long after you came down from Kansas? A I don't know but I think about two or three years.
Q Could it have been four years? A It might have been.

Q Could it have been five years? A I don't know that it is five years but it might be. I don't remember.
Q Might it have been six years? A I don't think it is that.
Q You are not certain? A No, sir
Q Which one of these people did you meet first? A I met cousin Flora, called her cousin but she is no kin.
Q Then the next? A Sarah Ann Bray.
Q How long after you met Flora? A I reckon the next day.
Q Then the next? A Martha Humphreys.
Q Is that all you met then? A That's all.
Q How old a looking woman was Flora Franklin when you first met her? A An old bottled woman.
Q About how old? A I reckon about forty.
Q That isn't very old? A That is a settled woman.
Q From the time you met them did you live near them? A Yes, sir
Q See them right along? A Every day pretty near.
Q They left the Creek Nation after you first met them? A Yes, sir they staid a while after they came the first time and dried peaches and apples for the people and then they went to Texas..
Q How long had they staid been here from the time you first met them until the time they went back to Texas? A I couldn't tell you how long exactly, It wasn't very long.
Q About how long? A I couldn't tell
Q Couldn't tell whether it was one, 5 or 10 years? A It wasn't ten years.
Q Was it five? A It wasn't five.
Q Was it one? A Might have been one
Q Could it have been two? A I don't remember.
Q Then from the time they went to Texas when was the next time you saw them? A They came back here.
Q I say when was the next time you saw them after that? A I reckon it was 3 or 4 months before I saw them. Might have been a little over that.
Q How can you remember that it was three or four months before you saw them and you can't tell how long it was from the time you met them till they went back to Texas? A I don't remember that.
Q How can you remember the one thing and not the other that happened just before it? A I just don't remember.
Q You can remember one and you can't remember the other? A Yes, sir
Q Are you any kin to these people? A No, sir
Q Have you been paid to testify here today? A Not a nickle.
Q Or anything promised to you? A Yes
Q How much? A Never said how much.
Q Is that the way you do business? A That is the way I did this.
Q You are willing to take whatever they give you? A I think they will do me right.
Q How much do you expect to get? A I haven't any certain price; couldn't say what.
Q Are you interested in this case in any way? A No, sir
Q Only to the extent of your uncertain price? A That's all.
Q When were you first requested to be a witness in this case? A Today
Q Had you ever talked to anybody about it before? A No, sir, not a soul.
Q How did they know you could be a witness in it? A They knew I was here all the time and knew them.
Q You don't even know when you were here yourself? A I know it.
Q You date everything from the time peace was declared and I ask you when peace was declared and you don't know? A I think I told you when peace was declared; I said '65.
Q How you think peace was declared in '65? A Yes, sir
Q How long was that before you were mustered out at Leavenworth? A I couldn't tell. I was routing around and couldn't tell about that. I was a young fellow then.
Q Was it ten years? A I don't know.
Q How long after you were mustered out at Leavenworth before you met these applicants? A It was after I came back here.

Q I asked you how long? A I guess about, I am not certain, I think about two or three years.
Q Are you sure it wasn't five years? A I don't think it was.
Q Would you swear positively it wasn't five years? A I couldn't swear that.
Q How long have you known these people, how many years? A A number of years but I couldn't tell how long I have known them because I never kept track of it.
Q You don't know how many years ago it was since you first saw these people in this country? A I think I answered that question.
Q Mr. sir you haven't? A You asked me and I said two or three years.
Q I am asking you how many years since you first saw them in the Creek Nation? A Well it is two years since I saw them.
Q You don't understand the question. How many years is it now, how many years ago since you first saw them in the Creek Nation? A I couldn't tell exactly.
Q Was it ten years ago? A I don't think it was since they have been in the Creek Nation.
Q How many years ago since you first saw them in the Creek Nation? A I reckon about ten years.
Q Was it twenty years? A I don't think it was twenty.
Q Are you sure it wasn't twenty? A I am not sure but I don't think so.
Q Are you sure it wasn't twentyfive years ago? A I don't know.
Q Don't you know whether it was as much as twenty years ago or not? A No, sir
Q Don't you know whether it was as much as fifty years ago? A I don't think it was fifty.
Q Do you think it was forty? A No, sir
Q Do you think it was thirty? A I don't know I couldn't tell.
Q You ought to be able to come a little closer than that. You say you don't think it was forty or fifty and when I say thirty you say you don't know. Now refresh your memory and tell me whether you can swear it was thirty years ago you first met these people in the Creek Nation? A It might have been. I don't know exactly.
Q And as you stated before it might have been ten? A I won't say positive.
Q The only thing you can say positive is it wasn't as much as forty and it was at least ten? A I couldn't tell exactly.
Q You just stated it wasn't forty is that all right? A That is what I said.
Q You ought to know the difference between ten and forty and come closer than that. That is thirty years between ten and forty. Which was it, how long have you known these people in the Creek Nation from the time you first saw them. Which was it to the best of your recollection since you first saw them in the Creek Nation? A Well I think twenty years.

ATTY. FOR APPLICANT. Mr. Mastain.

Q You say you were a soldier during the War? A Yes, sir
Q You remember when the War closed don't you? A Yes, sir.
Q How long ago has that been? A The War closed in '65
Q How many years has that been? A I don't know. I just can't tell.
Q You remember the event but you can't give the number of years? A Yes
Q Did you know the father of the applicants in this case? A Yes, I knew him well.
Q What was his name? A Monday Durant
Q How long did you know him? A Long ago since a boy.
Q Is he living or dead? A Dead.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q Do you remember about the close of the War some time after the close of the War that Major Thom made a payment to the Creeks, what was known as the Thom payment? A Yes, sir
Q Was Flora Franklin here at that time? A She wasn't.
Q Do you know about how soon after that she returned here? A She came to this country just the same year after the Thom roll was closed.

Q Do you remember about how soon after the Dunn payment was made it was ,it was in that same year you say, but do you know how long after the payment was made. How many months, weeks or days? A As far as I remember not more than two years.
Q You stated it was the same year they came to the country? A Yes,sir.
Q Do you mean yes,when you say two years? A I don't really know the day.
Q But you state they came thesame year that the Dunn payment was made, in your answer you state about two years after that, do you mean years or months? A Years.
Q Do you know how long a year is? A Yes, sir I think I do.
Q Do you know what year this is? A Yes
Q What year is it? A 1924
Q You know the difference between a month and a year don't you? A Yes I know it some times sometimes it slips my memory.
Q Do you know how many months in a year? A No, sir not exactly.
Q Do you know the names of the months? A Yes, sir
Q What month is this? A The month of March.
Q Do you remember what month the Dunn payment was made in? A Yes, sir
Q What month was that? A In the spring of the year, if I aint mistaken in this month.
Q In March? A Yes, sir.
Q Do you remember what month it was that you saw Flora Franklin and her sister? A No, sir I don't remember that.
QDo you remember how many months it was after the payment was made? A It was the same year as the payment.
Q About how many months? A About two months.
Q A while ago you said two years you didn't mean two years then you meant two months? A When I talked just now I meant two years and not two months.
Q Now you state that the payment was made in the spring in this month the month of March? A Yes, sir.
Q And they came back that same year? A Yes, sir.
Q Now you stated one time two months after and you state another time it was two years after now you know there is a difference between two years and two months? A Two years I mean, that's what I meant but I spoke it wrong when I said two months.
Q What do you mean when you say they came the same year? A After the payment?
Q The same year after the payment? A Yes, sir.
Q You state the payment was made in the spring in this month? A Yes
Q Now how long after that, how many months after that if you know was it before you saw them? A I don't know how many months that I saw them but I saw them.
Q You know what a month is? A Yes but I never took any particular notice to say what months but I saw them.
Q Do you know whether it was in the same spring or not?A It had to be in the same spring.
Q You know you said it was two years afterwards, if it had been two years afterwards it couldn't have been in the same spring, don't you understand that. Anything that happens this year couldn't happen two years afterwards, you understand that don't you? A Yes, sir
Q Have you known the applicants from the time you first met them up to the present time? A Yes, see them off and on all the time.

STATEMENT BY ATTY. FOR APPLICANT,Mr.Rastain.

Inasmuch as it appears from statements of the witness that he does not know the difference between two months and two years and from his knowledge of dates as shown in his examination by the Commissioner,I desire to excuse the witness.

MR. ERWIN.

Q Did you ever hear of the year that Flora Franklin came here, anybody say it was '79 or '80 that they came to the territory? A No, sir don't remember anything about it.
Q Your recollection about it now is that it was two years after the Dunn payment, isn't it? A Yes, sir.
Q Do you know Mariah Humphreys? A Yes, sir
Do you know any of her children? A No, sir. I see the children but I aint acquainted with them .
Q You don't know the eldest child? A I have seen her eldest child; her eldest daughter.

By mutual consent of all parties in interest case is continued for fifteendays.

March 26, 1906, rehearing continued.

APPEARANCES: E. Mastain Esty. for applicants.
Merritt Mellick representing M.L.Mott
attorney for Creek Nation.
MARY CARSON, being duly sworn, testified as follows:

Q What is your name? A Mary Carson.
Q What is your age? A I think I am 50 or 40. I am 50.
Don't you know how old you are? A I can't tell exactly.
Q Don't you know when you were born? A I was born time of the slaves. I was a little girl time of the slaves.
Q That's as near as you can come at your age?A Yes, sir.
Q What is your post office address? A Muskogee.
Q How long have you lived here? A I have been here thirty one years ago.
Q How long have you been in the Creek Nation?A I have been here all along.
Q Where did you come from to the Creek Nation? A Out of the Cherokee Nation.
Q How long did you live there? A I lived there about two years and then moved on this side the time of the Dunn roll; time of the Dunn enrollment in this Creek Nation. That was time of the treaty and I have been living here ever since the Dunn roll .
Q Are you a citizen of the Creek Nation? A Citizen of the Cherokee Nation.
Q You didn't draw the Dunn payment? A No, sir.
Q What makes you remember that fact then? A I was living here and my folks moved from Gibson to this place because we couldn't make a living there.
Q If you weren't a creek citizen what made you remember it? A Everybody paid attention to it.
Q Where was that? A At Old Agency, it was right there the payment was. There wasn't but a few houses in the Creek Nation.
Q Where were you before you were in the Cherokee Nation? A I was born in the Cherokee Nation.
Q And you were two years old when you moved to the Creek Nation? A I didn't say I was two years old when I moved there. I said we staid there two years, that was after peace was made.
Q I asked you how long you were in the Cherokee Nation and you said two years ,you now say you were born there? A You asked me how long I lived in the Cherokee Nation and I said I was born there .
Q They could make you two years old when you left?A That was in slave time.
Q How old were you when you left the Cherokee Nation to go to the Creek Nation? A I couldn't tell you how old I was but I was nothing but a child as near as I can guess ;time of the treaty I wasn't but ten years old and I wasn't but ten when I left the Cherokee Nation to come to this side.

Q You must have been in the Cherokee Nation more than [illegible] years then?
A I lived in the Cherokee Nation [illegible] years because [illegible] to Webber's Falls four years and then [illegible] lived there two years.
Q Where is Webber's Falls? A In the Cherokee Nation.
Q How old were you at the time of the [illegible] payment? A Twenty one.
Q You were twenty one? A Yes, sir.
Q Are you sure of that? A Yes, sir.

BY ATTY. FOR APPLICANTS, Mr. Hastain.

Q Are you acquainted with Flora Franklin, Sarah Ann Grey and Marinda Humphreys? A Yes, sir well acquainted with them.
Q When did you first get acquainted with them if you remember? A I got acquainted with Marinda Humphreys in time of the Dunn roll. That was time of the treaty and Marinda Humphreys came here time of the treaty the first of June and her mother [illegible] after that Mr. Humphreys came with his wife and then he went back home with them and then he staid there and that after that he came. He came in March and they couldn't farm up here it was so late and he worked around.
Q Can you give the age of your eldest child? Wiley he is 26 years old.
Q Do you remember Marinda Humphrey's daughter Fannie, how old is she?
A She is a heap older than my child.
Q Was Fannie born in the Creek Nation? A Yes, sir I think so.
Q Do you remember how long Malinda had been here before Fannie was born? A She came here in June and went back in March. Staid about a year I think before she went back. I aint certain but that is what I think.
Q Have you known them from that time to the present? A Yes, sir.
Q Known them ever since? A Yes, sir.
Q Been living in the Creek Nation ever since? A Yes, sir.
Q Do you know who is the father of Flora and Sarah Ann? A Monday Durant.
Q He was a Creek citizen was he? A Yes, sir.
Q Is he living now? A No, sir he is dead. I think he has been dead now going on six years.

COMMISSIONER.

Q What is the name of your father? A Moses Harley.
Q What the name of your mother? A Katie Red.
Q What is the name of that boy of yours you said was twenty six? A Wiley McIntosh.
Q What is the name of Wiley's father? A What makes you ask that question for--Joe McIntosh.
Q How old is he? A I don't know anything about how old he is.

Reference is here made to Creek freedmen roll No. 4297.

Q I want you to tell me as well as you can where you have been since the time of your birth--to the best of your knowledge? A In Cherokee Nation.
Q What place? A Saline.
Q How long to the best of your knowledge did you stay there? A I don't know how long because I wasn't but a child. You will have to ask my mother.
Q Then where did you go to? A Right in the Cherokee Nation and then right on in the Creek Nation. Went out to visit, went to Ft Smith.
Q From the time you were born where did you go next? A Never went anywhere but in the Cherokee Nation and in the Creek Nation.
Q I am asking you from Saline where ? A Ft Gibson and Webber Falls.
Q Do you remember how old you were when you went to Ft Gibson?
A I don't know.
Q How long did you stay in Ft Gibson? A Two years and staid in Webber Falls four years.
Q Then where? A In the Creek Nation.
Q To what part? A Old Agency.

Q Then where? A Nowheres but right here.
Q Have you lived continuously in the Creek Nation since that time?
A I have been living right here in the Creek Nation, in the Creek Nation and Cherokee Nation knew nothing about traveling about.
Q Did you never leave the Creek Nation since? A Not after I married.
Q Do you mean never left the Creek Nation? A No, sir.
Q From the time you first left the Cherokee Nation and came to the Creek Nation and except for an occasional visit you have never been outside of the Creek Nation? A No, sir lived in the Creek Nation and the Cherokee Nation.
Q How old were you when you first struck Agency in the Creek Nation?
A I can't tell exactly. I guess I was about ten years old as near as I can tell.
Q How old at the time of the Dunn payment? A Twenty [illegible].
Q Are you sure of that? A Iam sure of that; I didn't have no children then.
Q And you are positive you were 20 at the time of the Dunn payment? A Yes, sir.
Q Are you sure you know what the Dunn payment was?A I knows what I knew getting some money.
Q Haven't the Creeks gotten any since then ? A I don't know nothing about that; I wasn't interested since.
Q Why were you interested at that time? A Because I didn't belong in the Creek Nation, I belonged in the Cherokee.
Q And your reason for not remembering once and for remembering once is the same. You remember once because you didn't belong in the Creek Nation and you don't remember once because you didn't belong in the Creek Nation. How many children have you had? A Six. Three dead. The eldest is Wiley.
Q Is he older than any of the dead ones? A Yes, sir.
Q Do you know how old you were when you had him? A I can't tell you. I guess about twenty one.
Q Are you sure that from the time you first came to the Creek Nation to the present that you have never been out of the Creek Nation except for a trip or two over to Ft Smith?A Just went over to the Cherokee Nation.
Q Ever been in Kansas City? A Only took a trip.
Q How long did you stay there? A One day.
Q Didn't stay any longer than that? A No, sir
Q Didn't you stay four months? A What do you mean, when I was a girl?
Q At any time? A I staid there two months.
Q Have you ever been in Claremore? A I lived in Claremore six months andin Vinita two years. That's my home.
Q That's since you came to the Creek Nation? A I never lived in Claremore then.
Q Since then? A It is since I have been married. Tell me what you have reference to, do you want to see if you can catch me in a lie. I came here to tell what I know and no more.
Q A while ago when your attorney asked you how old was your boy Wiley you said twenty six and then you followed it right up with that Miranda's girl was about five years older. He didn't ask you that but you stated it. Are you sure of that? A I am sure that Miranda's girl is older than my Wiley. I don't know.
Q Why do you say then ? A I guessed at itbecause Miranda's daughter is a heap older than Wiley.

Reference is made to Cherokee freedman card 1401 opposite roll No. 3527. The witness is identified thereon as 41 years of age September 24, 1901. Reference is also made to the papers in said case.

Mr.Mestain states" I would like it also to show that the records of the Commission show that Wiley McIntosh was 23 years of age on August 12, 1899, Creek freedman card, field No.1212

BY ATTY. FOR APPLICANTS.

Q How old were you when peace was declared? A I didn't keep no count; I am guessing at my age.
Q You remember when the war closed? A What my folks told me; I was ten when the War closed.
Q How long after that before the Dunn payment was made that you were speaking about? A That was the time of the treaty.
Q How long was that afterwards? A It was after the war.
Q About how many years? A I can't tell anything about that. You have it on a book you can see that yourself. The time of the Dunn payment that was right in time of the treaty; two years after the treaty.
Q Now you stated you were ten when the treaty was made and about two years after that was when the Dunn payment was made how old wereyou when the Dunn payment was made? A I never kept any track of it at all. I am guessing at my age; at the time of the treat of Dunn roll I was ten years old. That was time of the Dunn roll when peace was declared. We was children and time of the treaty was time of the Dunn roll. They were paying them then and after the treaty that was the time Mrs. Humphreys and them came.

COMMISSIONER.

Q What treaty do you mean when you speak of the treaty? A All we count is just the treaty; says all the Creeks and Cherokees must go home .
Q You mean the treaty of peace between the north and south. You don't mean the Dunn payment when you say the treaty? A Yes, sir that is the time of the Dunn payment.
Q When you made application for enrollment in the Cherokee Nation in 1901 now at the time you gave that testimony in your own case you were asked this question: Where were you living when you first remember? A When I first remember I was down here at Webbers Falls. I was a little girl about that high when I came here in Gibson in '66 ; I was a little girl and that's all I can remember where I was living, here at Gibson.
Q How long did you continue to live around Ft Gibson here at that time? We lived here at that time about three years and then we went over into the Creek Nation.
Q Awhile ago you stated you were 20 at the time of the Dunn payment is that true? A I have said all I am a going to say.
Q Is it true that you were 20 at the timeof the Dunn payment? A Yes I said I was 21.
Q Are you sure you were 21 at the time of the Dunn payment? A If I wasn't I wouldn't say it.
Q You just told your attorney you were ten when peace was declared is it your understanding that the Dunn roll happened ten years after peace was declared? A You are asking me something I don't know anything about and I can't unfold it to you. I explained it to you as near as I could .
Q Then I ask how you remember about the Dunn payment and you don't remember anything about the other payments? A That was the first payment that came in the Creek Nation territory.
Q The first one you know of? A Yes, sir and there wasn't nothing around in this territory, you couldn't find a cow or horse in this territory.
Q Do you remember the second payment in the Creek Nation? A Yes, I remember.
Q A while ago you stated you didn't remember any other payments? A I said that was the first payment.
Q What was the name of the next payment after the Dunn roll payment? A I remember just Creek payment.
Q Do you remember how much money was paid at the next payment? A No sir I don't remember at all.
Q Do you remember how much money was drawn at that Dunn payment? No,sir

Q Do you remember how that payment was made? A No, sir; I remember the Dunn payment I was there at all I know.
Q Do you remember who made the payment? A I don't know ;the government sent the money and the Indians got it I guess.
Q Was it paid the Indians? A Paid the Indians and colored people.
Q Were you married at the time of the Dunn payment? A No, sir
Q How old were you? A I don't know just how old I am told you once how old I was. I wasn't married. That child of Wiley McIntosh that is a weed colt, he is a bastard.
Q Did you have Wiley McIntosh at the time of the Dunn payment? A No,sir
Q How long after that before Wiley was born? A I don't know
Q How long after that Dunn payment before Wiley was born? A I never kept no count. I never had no children when I got acquainted with Mrs. Humphreys I think.
Q When your attorney asked you if you knew certain of these applicants he named three of them and the only one you mention is Marinda Humphreys, do you know them all? A Marinda Humphreys and Aunt Sarah.
Q What was Aunt Sarahs name? A Aunt Sarah Todd.
Q Ever hear her called anything else? A I don't know what her name is by her husband. She has been married once.
Q Where did you first meet these people? A In the Creek Nation.
Q In whose house or where? A Monday Durant's house; her father's.
Q How long had you been in the Creek Nation then at the time you first met them? A Been a long time; I came when the treaty was made.
Q How long after the treaty you refer to before you met these applicants A I was living here then.
Q How long had you been living here before you met them? A I couldn't tell. I didn't keep no count.
Q Did you come here in the Creek Nation as much as ten years and had you lived here as much as ten years before you met these applicants? A No, sir.
Q As much as five? A I got acquainted with these people after I came in the Creek Nation .
Q When did you get acquainted with them, how long had you been in the Creek Nation? A I had been in the Creek Nation about five years then they came. I have known them since they have been in the Creek Nation.

ATTY. FOR APPLICANT.

Q Did you come here the same year the Dunn payment was made? A Yes, sir Mrs. Humphreys came here just them. We came here before the Dunn payment and Mrs. Humphreys came right in time of the Dunn payment--Same year ?A Yes, sir but she didn't draw any money. She came right here in the Creek Nation time of the Dunn payment but she didn't get anything and she staid here--she came here in June and she staid until August, no March, then she went back home-the three women, her mother and aunt and herself and then they went in Texas and came back in March and when they got here in March they couldn't farm it was too late.

COMMISSIONER.

Q Do you know of your own knowledge that they came here during the Dunn payment or did somebody tell you? A Nobody told me.
Q And you know they didn't draw that money? A They didn't draw a nickle.
Q Did they try? A No, sir if they tried I didn't know anything about it.
Q You don't remember dates very well do you? A No, sir
Q Don't know how old you are? A I guess I ought to know.
Q We asked you how old you were and you said 50 or 40 do you know how old you are? A Isaid I guessed about 50. It has been a long time and I aint going to talk any more.
Q Was that Dunn payment made in town and where was it made? No response
Q When was that Dunn payment made, do you know what month it was made in?A I have told you all I am going to.

Q Do you know what month the Dunn payment was made? A I have told you all I know and no more. I can't say any more.
Q Can you remember that month the Dunn payment was made in? A Haven't you got the books there?
Q We know but we want to know if you know? A I have told you what month.
Q You didn't tell us what month the Dunn payment was made in, can you tell us? A I can't tell you that.
Q But you can tell the exact month in which these people were here and the month in which they left for Texas. How do you know these people went to Texas, did they tell you that? A They came from Texas.
Q How do you know they came from Texas? A They came from Texas that is where all the slaves came from. They left them there and they had to get back. Told them Creek niggers to come back time of the Treaty and they came back time of the Dunn roll.

ADJOURNED.

HEARING, resumed March 30, 1906.

APPEARANCES: E. Mastain, atterney for applicants.
Merritt Ballick for M.L.Mott atterney for Creek Nation.

ISAAC RENTIE, being duly sworn, testified as follows:

Q What is your name? A Isaac Rentie.
Q What is your age? A Fifty four.
Q What is your post office address? A Wainwright.
Q Are you a citizen of the Creek Nation? A I am a citizen.
Q Freedman? A Yes, sir
Q Have you received your allotment in the Creek Nation? A Yes, sir
Q How long have you been living on the place you are now living on? A I aint been living on my own place.
Q Well the place you are living on? A I have been there on my father's place about 18 years.
Q Where is that is it near Wainwright? A No, sir right by Old Agency.
Q How does it come Wainwright is your post office then ? A There is my post office because there I am making a crop this year.
Q Then you are not living near Old Agency now? A No, sir
Q How long have you been near Wainwright? A About two months .
Q Before that you were out here near Old Agency? A Yes, sirand after that I was on Cain Creek.
Q Where were you born? A Near Old Agency
Q How long did you live there after your birth? A Been there all my life time to my knowing until I took a notion and married off.
Q Then where did you go? A To a place called Cloud Creek.
Q Where is that? A Close to Cain Creek between Cain Creek and Cloud Creek.
Q Is that close to Old Agency Will? A No, sir
Q How many miles away? A About 22 miles.
Q How long have you lived out there? A On Cain Creek .
Q Yes ? A Must have been 18 years .
Q Do you know Flora Franklin the applicant in this case? A Yes, I know Flora.
Q How long have you known her? A I have known her about 18 years
Q Never got acquainted with her before 18 years ago? A About 18 years since I got acquainted with her from them to now.

ATTY. FOR APPLICANT.

Q Were you in the Creek Nation during the War? A No, sir
Q Where did you go during the War? A Dennison, Texas
Q How soon after the War did you return to the Creek Nation? A About two years.
Q Do you know what was going on up here inthe Creek Nation when you came back? A After we all got kindof kindof settled down then we had a payment they called the Dunn roll.
Q Did you come back in time to get that payment? A I did.
Q How soon was the payment made after you got back? A Made in that same summer that I came back.
Q You say you knew Flora Franklin? A Yes, sir.
Q How soon after you got back that time before you saw her? A I don't exactly know how long.
Q About how long? A I aint exactly knowing. The truth is the light.
Q Do you know Sarah Brew? A Yes, sir well acquainted with her.
Q Can you give any idea about how long it was after you came back from Texas before you first got acquainted with them.A The same time I got acquainted with old lady Flora.
Q Had you known them before the War? A No, sir, I knew them after peace.
Q How soon after peace? A I wouldn't tell exactly how soon after peace but I can tell you it is 15 years since I knew them.
Q Do you know when the Dunn payment was made? A Yes, some time along in the summer.
Q How long had it been since that Dunn payment was made? A I guess something like 36 or 40 years. I can't tell exactly.
Q It has been about 15 years since you first got acquainted with them? A Yes, sir.
Q Where did you first meet Flora Franklin if you remember? A It was here in Old Agency.
Q Was there a railroad through the Creek Nation when you first met Flora? A No
Q Are you acquainted with Tom Humphreys? A Yes, sir
Q How long have you known him? A About the same I guess, fifteen.
Q How old is your eldest child? A Twenty eight.
Q What is his name? A Solomon Rentie.
Q Do you know Tom's eldest child? A He has one named Fannie and I guess that is the eldest one. She is a few years older than my boy.
Q Do you remember when you first saw Tom with his baby that oldest child? A Yes, sir
Q Where was that? A It was a cold Sunday I believe; kind of long time but I remember that it was a cold Sunday.
Q How old was Tom's child then? A It was a baby, it wasn't grown up.
Q Was it big enough to walk? A He carried it around.
Q You had known Tom before that? A Yes, sir.
Q How long before that had you known him? A I don't know, about 15 years since I have been knowing him.
Q Before you saw this child how long had you known him? A I remember knowing him but how long before that I don't know exactly but I had seen Tom before he had that child.
Q That child would be somewhere near 30 now, she is older you say than your oldest child? A Yes, sir
Q Have you known Tom and Marinda ever since their eldest child was a baby? A Yes, sir
Q Did you know them all before this child Fannie was born? A Yes, sir I had seen Tom before his wife had the child.
Q Had you seen Flora before that? A Let's see, I don't know I can't recollect.
Q Marinda was Tom's wife wasn't she? A When I first seen Tom Marinda was 't his wife.
Q You think they weren't married when you first saw him? A No, sir
Q Did you see Tom before he married Marinda? A Yes, sir once before he married her.
Q Did you see Marinda before she married him? A Yes, sir
Q And you have known them ever since that time up to this time? A Yes

Q Do you know who was the father of Flora and Sarah? A Monday Durant I believe.
Q Was he a citizen of the Creek Nation? A Yes, sir
Q Is he living? A No is dead.

COMMISSIONER.

Q Where had you seen Tom with this child in his arms, in the Creek Nation or Texas? A In the Creek Nation.
Q Did you ever see Tom in Texas? A No, sir
Q You saw them at the Dunn payment, were you at the 1890 payment of $29? A Yes, sir
1890 is about 16 years ago. Had you met these people before that time, before the 1890 payment? A I don't think I did.
Q You state that the Dunn payment as you remember it was 36 or 40 years ago and you state that you met these people first about 15 years ago now you must have met these people, if these statements are correct, about 25 or 26 years after the Dunn payment, is that correct? A I am studying about this Dunn roll; that $29 payment I think that was after that Dunn roll. That is the only kind of a mistake I made right there.
Q You ought to remember the $29 payment bett r than the Dunn payment? A Yes, I ought to but it slipped my memory.
Q Had you met these people before the 1890 $29.00 payment? A No, sir
Q Are you sure of that? A Yes, sir.
Q You say you met Tom Humphreys with a child in his arms how do you know who that child was? A It was his wife's so I guess it was bound to be his.
Q Did he tell you it was his child? A Yes, sir
Q From the time you first saw Tom Humphreys with a child in his arms how long is it since the first time you saw him? A I can't keep any correct account. I am uneducated don't know a from b.
Q Do you know how many children Tom had? A No, sir
Q Do you know he had more than one? A Yes
Q Do you know whether this child you saw was his first or second? A According to my understanding it was the first.
Q You don't know what its name was ? A I believe they called the first one Fannie.
Q He didn't tell you that then did he? A No, sir
Q Did he ever tell you that the child he had in his arms that first time you saw him was Fannie? A Yes, sir
Q How many times did he tell you that? A I don't know
Q Did he ever say Rentie that child you saw me with there we have since called Fannie? A No, sir He didn't have to tell me but once and then I would know it was her after that.
Q Did he tell you that child he had in his arms was Fannie? A His wife did.
Q How did she happen to tell you that? A Just talking.
Q When did she happen tell you that? A Before my first child was born.
Q How old are you? A Fifty four.
Q Are you sure of that? A I am sure of that as that you have that pencil in your hand.
Q How old were you when you met these people? A I don't know, but I knew my age I kept accurate account of my age.
Q Don't you know if you were married when you first saw these people? A The first time I don't think I was married.
Q How long after that were you married? A I don't know
Q The 1890 payment was 16 years ago, you stated positively that you didn't meet them before the 1890 payment? A Is that the way you got it.
Q Didn't you state positively awhile ago that you hadn't met them before the 1890 payment? A What was the '90 payment.
Q The $29 payment that was 16 years ago and you say you only met them 15 years ago? A I said I knew them 15 years ago.
Q Do you still say that? A Yes, sir it has been 15 years ago since I knew them.
Q What was the name of your father? Pickett Rentie, father; mother Mary Rentie.

Q Have you a boy named Isaac Rentie? A I have a first cousin named Isaac Rentie.
Q When did you first meet your cousin Isaac Rentie? A I don't know.
Q Do you know Isaac Rentie? A Yes, sir I named him.
Q You don't know when you first met him? A I can tell when I first saw him; that is my [illegible].
Q How long ago was that? A I don't know exactly how old he is.
Q You don't know how old your first cousin is but you know how old Tom Humphrey's child is. How much older or younger is your child than your cousin Isaac Rentie? A I don't know.
Q You know more about Tom Humphrey's child who is no kin to you than you know about your own cousin Isaac Rentie that you named? A I know more about her age. She is no kin to me.
Q What is the name of your child Solomon Rentie's mother? A Fannie.
Q Do you know her child Lawrence Kamard? A Yes, sir.
Q Were you present when Lawrence was born? A Yes, sir.
Q How long before or after the birth of Lawrence was it before you got acquainted with any of these people? A I can't tell. I aint kept no accurate account about Lawrence.
Q You say you were present when Lawrence was born, how old is he? A He is 18 going on 19.
Q And you were present when he was born? A I was right there.
Q Had you met these people at that time? A I guess I met them a little before Lawrence.
Q Do you know how long before? A I don't know exactly but I know it was before.
Q Was it as much as five years before Lawrence was born? A I can't exactly tell but I know it was before Lawrence was born.
Q Was it as much as 20 years before Lawrence was born. A I can't tell now. I will have to tell you like it is.
Q If Lawrence is 18 or 19 how long before that do you think it was before you met these people?? A (laughing) I don't want to score unless I score to the line.
Q It is no laughing matter but a serious business and we want you to think and give us as intelligent an answer as you can. How much older was that child you saw in Tom Humphrey's arms than your step-son Lawrence Kamard? A I can't tell that. Where I can't tell I won't tell at all.
Q How much older is your son Solomon Rentie than your stepson Lawrence Kamard? A If I could figure I could tell.
Q If you can't figure how can you tellthat that child you saw in Tom's arms was about two years older than your son Solomon? A I tell you sometimes a man is to himself he can count up a few things like that.
Q How does it come that you can figure about the age -the difference between Fannie and your child and you haven't figured between your son and your step-son? A I can figure now if you will let me.
Q We let you figure on some of these things and your own stepson and your cousin Isaac you didn't know. A Solomon is bound to be older some than Lawrence but I don't know how much older.
Q But you know how much older this child you saw in Tom Humphrey's arms is than your son Solomon? A All I know is she is a little older than Solomon but I don't know how much.
Q Do you know how old that child was in Tom's arms? A I don't think so.
Q Could it have been two years old and him still carrying it? A Of course he could have been but I don't know exactly how old it was.
Q Could it have been another child of Tom's than his oldest. Couldn't it have been another one older than Fannie? A That was his first child.
Q Do you know who was the mother of that child? A Tom Humphrey's wife was her mother.
Q What was her name? A Marinda I guess.
Q Are you sure that she was the mother of that child in his arms? A Yes, I am sure of that.
Q What makes you sure of that? A Because I seen her sucking the child and she raised it.
Q How long after you saw it in his arms before you saw it again? A

I didn't keep no count.
Q How do you know it was the same one you saw in his home? A I knew it was the same one because it didn't have any other to show at that time.
Q How far do you live from Fort Yuma[illegible] now? A I guess I live about 14 miles.
Q Have you ever lived near there? A The nearest I ever lived to them was when I stood at Old Agency where my father stood on the outside of [illegible].
Q Did you ever visit at their house? A Very seldom.
Q Did you ever hear the two or three times? A I don't know.
Q Have you ever been there since? A I have been there once or twice.
Q Was it in their own house? A I didn't ask them if it was their house or whose house but they were in the house.
Q How do you know they were the children of Monday Durant? A He said so
Q That is the only way you know? A That is the only way I could tell. I took their word for it. I was too old to reckon it up.
Q How long after you first met these people before you married? A I don't know.
Q Why is it you can't remember that. Were you married at the time you first met these people? A No, sir.
Q How long after? A I don't know.
Q Had you ever had any children before you first met these people?
A I couldn't have any; I wasn't married.
Q Are you sure of that that you never had a child before you first met these people? A I am sure.
Q What was the name of your oldest child? A Alex; he died.
Q How old would he be if he were living? A I guess he would be about 37 or 38 somewhere along there. Didn't put his age down.
Q What do you mean by saying it is 15 years ago since you first knew these people. Do you mean to say it was 13 or 14 years from the time you first saw them until you knew them or are you mistaken when you say you first met them 15 years ago? A You don't understand me do you.
Q As I told you awhile ago the $50 payment was at least 16 years ago, being made in 1900, now if it is true as you say that you first knew them 15 years ago you must have gotten acquainted with them after the $50 payment is that correct? A That's correct.

ATTY. FOR APPLICANT.

Q Do you know how old you were when you first met these people? A I can't tell that.
Q Do you know how old you were when the Duan payment was made? A As near as I can get at it I must have been 13 years old.
Q You were about 13 years old when the Duan payment was made? A As near as I can get at it.
Q Do you remember how along after that before you first [illegible]ton ?
A No, sir.

COMMISSIONER.

Q When did you come here from Texas, how old when you came? A I guess I was--My father when he met us said "Son you are fourteen years old today".
Q Did you come over here with your father? A He went North and we went South and he heard we was coming and met us on the way.
Q Where did you come? A To Old Agency.
Q By railroad or wagon? A Wagon.
Q Any railroad at that time? A No, sir
Q You say that was right after the war? A Yes, sir
Q Was it after the surrender? A Yes, sir.
Q Are you sure of that? A Yes, sir.
Q How long after the surrender was it? A About two years I guess .
Q After you came here from Texas how long was it until you first met these people? A I don't know.
Q Was it as much as 20 years? A I didn't keep no accurate account; I was kind of young.
Q Was it along [illegible] short time? A I can't tell. That's what I am trying

to tell.
[illegible] you happen to meet them. Did you live anywhere near them [illegible] A Again I refuse [illegible] living from [illegible]
[illegible] A I was living out there [illegible]
[illegible] tell you what time.
[illegible] A I didn't keep [illegible]
[illegible] A I couldn't exactly tell. I don't like to tell it [illegible] A. You don't want to make guess work I reckon. [illegible] A Yes if a person will give me a [illegible] chance I can count a lot.
Q Do you now state that the first time you met these people was 15 or 16 years ago? A If you will give me a chance I will tell you my meaning. Here is what I mean: I mean like this. I had been around these people 15 years but they had been here longer; that is what I am trying to show you.
Q How do you know they have been around here longer than 15 years? A I ought to know; there is my son he is born after they came and he is 15 years old.
Q Did you know them before 15 years ago? A Yes, I knew them because they came here once and went back to Texas.
Q How do you know that? A I know that of my own knowledge.
Q Did you see them? A I saw them.
Q Then did you know them before this 15 years ago? A I saw him but didn't get acquainted with them. I got acquainted with them 15 years but it is more than 15 years since they came.
Q Now I will ask you just this question, can you swear that you know these people, know that they were living here in the territory prior to 15 years ago--Flora, Marinda and the rest? A If my son is 15 years old they bound to be here over 15 years, that I could swear.
Q Did you know these people when your son was born ? A Yes, sir.
Q Where were they living when your son was born? A Somewhere down here on the edge of Muskogee.
Q How do you know that? A I have been to their house.
Q Went to their house right after your son was born? A No not just after he was born.
Q Some years after was it? A I can't tell; I didn't keep no accurate account what year or what .
Q When you went to their house some time after your son was born did you talk to Marinda or Flora or Sarah? A I don't know whether I talked to them or some of the neighbors around there.
Q How do you know one of these people there was Flora ? A Only by what they told me.
Q Then why do you state that you only first know them 15 years ago? A I told you what I meant a while ago.
Q When you went to their house when your son was young and spoke to them you must have known them? A I corrected that a while ago.
Q No. When did you first get acquainted with these people? A I told you I couldn't tell you in what year.

At this point Mr. Donovan begins talking to the examiner and is told by him that as he (Mr. Donovan) is not admitted to practice before the Commissioner and is not an attorney in the case he should say nothing in the matter but Mr. Donovan does not at once follow this advice.

Q How long ago did you first get acquainted with them? A I told you I used to be around them, been around them 15 years but they have been here longer than that.
Q Have you known these people, who have been previously named in this testimony for longer than the past 15 years? A I told you I was around them 15 years that would make it something like 30 years wouldn't it?
Q How do you state that you have known them more than 15 years?

A I told you I was around them 15 years that would make it something like 30 years wouldn't it.
Q How do you state that you have known them more than 15 years?A
A That is the statement I am trying to show you. I have been around them 15 years and they moved to Sand Creek; that would make it 30 years or more.
Q But you can't tell the first time you knew them. I will ask you again what I have asked you all time; how long since you first got acquainted with those people and first knew who they were? A Near about altogether it must be about 30 years.
Q Why have you answered this question about six times before "fifteen years"? A I understood you how long had I been around them.
Q When you answered then 15 years you meant you had been around them 15 years? A I want to say it has been 15 years that I was around them but it must have been 30 years since I knew them.
Q But I asked you how long since you first knew them and you said 15 years? A Was that the answer.
Q Yes. I also called your attention to the fact of the '99 payment being 15 years ago and that if you knew them first 15 years ago you must have known them after the '90 payment and you said you knew them after the $20 payment.

ATTY. FOR APPLICANT.

Q Do you remember the Dunn payment? A Yes, sir.
Q Do you remember the $20 payment? A Yes, sir.
Q Are they the same payment? A No, sir
Q Made at different times? A Yes, sir.
Q Which was first? A At the Old Agency, the Dunn payment
Q Do you know the $14.40 payment? A Yes, sir
Q Do you remember when that was? A I don't know exactly what time but I remember the place. The $20 payment was up to the capital Okmulgee because I went and drawed my own money.
Q You can't remember what year these payments were made in? A No, sir
Q Nor just how long ago? A No, sir. My father never sent me to school and I can't keep account. [redacted] to making rails and I can keep count of them.

EXAMINER:
Mr. Mastain what are you striving to show by this witness

MR. MASTAIN:

I am trying to show that the oldest child of Tom Humphrey is more than 30 years of age and that the applicants have been living in the Creek Nation since that time.

BY EXAMINER:
Is there anything else that you are attempting to establish through the witness.

MR. MASTAIN:

Nothing further than to get the witness to understand clearly the questions that have been asked him by the examiner. The witness is uneducated and frequently words and terms are used that mislead him and confuse him and I simply want to get the witness to understand clearly the questions that are asked him.

BY EXAMINER:

The questions and answers will show that the Commission

has not in any way attempted to mislead the witness in using any difficult terms but gives him every opportunity to correct his statement that he first knew these people 15 years ago and he insisted that he first knew them 15 years ago and that he first knew them after the 15th payment and that as he testified with his other statements about the ages of the children that he was asked the question many times. His statement that he had only known these people for 15 years was in answer to your question on direct examination and furthermore Mr. Donovan here present, who is not permitted to practice before this body, said in my presence that the witness did not mean to state that he first knew these people 15 years ago but that he had known them 15 years immediately but that was not the 15 years last past. It was stated by Mr. Donovan to the effect that the witness had known the applicants for the past 15 years and also for a period of time before which would make 30 years. It was the impression of the examiner that Mr. Donovan said that the period of time that the witness knew these people was 30 years. The examiner might be mistaken in his impression as to whether Mr. Donovan used the words 30 years in his statement. It would seem that the statement of Mr. Donovan as to the period of time the witness knew these applicants had led the witness inasmuch as his testimony taken immediately following the statement shows that he knew the applicant for a period of 30 years whereas his testimony before did not so state.

BY MR. DONOVAN.

If anything of this kind is put in here I want to state that I have been admitted to practice before the Interior Department, that the Commissioner is aware of that fact and that I object to their action in refusing to allow me to appear in this case from the beginning. I further object and call attention to the fact that although the record shows that Donovan & Greisel were attorneys for the applicants they were not notified of the hearing in this case.

BY EXAMINER.

Any statement made or attempted to be made by Mr. Donovan was objected to on the part of the examiner for the reason that he was not and is not admitted to practice before the Commissioner. Mr. Donovan's attention was called to the fact that he was not admitted to practice and it is evident to the examiner that Mr. Donovan's remarks made in the presence of the witness led the witness in his testimony which he gave immediately following.

BY MR. DONOVAN.

In the first place I did not use the words 30 years or intend to indicate 30 years to the witness. Secondly I did not come into the case until the testimony of the witness already showed that I was pointing out to Mr. Hains that it showed that the violent, brutal and prejudiced examination of the Commission, the determination of the examiner to place the most unfavorable construction on every word that the witness said and the unfair and illegal action of the Commissioner in refusing to permit me to practice in the case had combined to raise in me such a state of excitement and indignation that it was impossible to refrain from protesting against the manifestly unfair and prejudiced line of questioning.

BY EXAMINER.

It is stated by the examiner that the record will show whether the statements made by Mr. Donovan are correct.

BY MR. DONOVAN.

I do not find fault with the examiner for refusing to permit me to practice as I realize that he is so doing he is simply obeying the orders of his superior officers. I do not find fault with the examiner in refusing to allow me to say any word in the case for he was obeying the orders of his superior officers. I maintain, however, that all these statements should have been put in the record at the time the incident occured and not have waited and put them in later for the purpose of destroying the effect of the witness' testimony.

BY EXAMINER.

It is stated by the examiner in answer to the last remark of Mr. Donovan that at the time he entered into this case he was cautioned to the effect that he was not admitted to practice and he was requested not to enter into the case. At the time the caution was given to Mr. Donovan it was not intended to put anything in the record at all being merely advice to him not to speak in the case and is only made a part of the record when it was shown by the witness' answers that his answers had been influenced by the incident.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues.

Subscribed and sworn to before me this 3 day of April, 1906.

J. McDermott
Notary Public

Gr.Rm.478.

Muskogee, Indian Territory, January 22, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

October 18, 1904, the Department denied motion for rehearing in the matter of the application of Flora Franklin, et al. for enrollment as Creek freedmen, wherein the Commission to the Five Civilized Tribes on May 24, 1904, rendered a decision adverse to the applicant, which said decision was affirmed by the Department October 18, 1904.

The Department under date of February 20, 1906 (I.T.D. 2368-1906), granted motion for review and rehearing filed in this case, "in view of the approved opinion of the Assistant Attorney General for this Department, dated October 18, 1905, in the matter of the application of Joe Harrison for his enrollment as a Creek freedman, "and instructed that said case be reopened and that applicants be allowed to present further proof in same.

In accordance with instructions said case was reopened, the parties in interest being notified that a rehearing would be had on March 19, 1906, and testimony was taken in the matter on

Secretary 5

said date also on March 23, 25, 26 and 28, 1906.

The evidence submitted in said latter proceedings differs in no material respect from that previously introduced and upon which the decision of the Commission under date of May 24, 1904, was based.

In addition, I am of the opinion that the provisions of section 8 of the Act of Congress approved April 26, 1906 (34 Stats. 137) referred to in the decision herewith transmitted, materially affect the rights of the applicants and even though they might, prior to the passage of said Act, have been entitled to enrollment under the facts herein and the approved opinion of the Assistant Attorney General for the Department, under date of October 18, 1905, in the Creek enrollment case of Joe Harrison, the provisions of said section 8 would seem clearly to bar them from enrollment at the present time and such seems to be the construction given to said section by the Assistant Attorney General in his approved opinion of May 31, 1906, referred to in my decision.

The entire record in the case is inclosed herewith.

Respectfully,

Commissioner.

Through the Commissioner -
of Indian Affairs.

LM 789.

EK,476

Muskogee, Indian Territory, January 25, 1907.

[redacted],
Attorney for Flora Franklin et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Flora Franklin et al. as Creek freedmen, denying same.

A copy of the proceedings had in the case and a report on motion to reopen said case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc. CM-25-8

No. 676.

Muskogee, Indian Territory, February 28, 1907.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Flora Franklin et al. as Creek Freedmen, denying same.

A copy of the proceedings had in the case and a report on motion to reopen said case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc. CM-28-8

En. 476. CM

Muskogee, Indian Territory, January 25, 1907.

Marinda Humphreys,
General Delivery,
Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Flora Franklin et al. as Creek Freedmen, denying same.

A copy of the proceedings had in the case and a report on motion to reopen said case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

Inc. CM-25-6

Enc. 476 CM

Muskogee, Indian Territory, January 25, 1907.

Irwin Donovan,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 22, 1907, in the matter of the application for the enrollment of Flora Franklin, et al. as Creek freedmen, denying same.

A copy of the proceedings had in the case and a report on motion to reopen said case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Inc/ CM-25-4

H&M

REFER IN REPLY TO THE FOLLOWING
No. 474.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

GM

Muskogee, Indian Territory, January 25, 1907.

Sarah Ann Drew,

Checka, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Flora Franklin et al. as Creek freedmen, denying same.

A copy of the proceedings had in the case and a report on motion to reopen said case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

Inc. CR-88-7

744

REFER IN REPLY TO THE FOLLOWING:
Enr. 476.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. CM

Muskogee, Indian Territory, January 25, 1907.

Flora Franklin,

Ridge, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for your enrollment as a Creek freedman, denying same.

A copy of the proceedings had in the case and a report on motion to reopen said case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.

Inc. CM-25-5

Cr. En.476.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Flora Franklin, Louanna Mullen, Florence Mullen, John Mullen, Sarah Ann Drew, Marinda Humphreys, Tennie Humphreys, Willis Humphreys, Maleah Humphreys, Ada Humphreys, Shaddie Humphreys, Fanny Lewis, Maty Lewis, Son Lewis and Alice Lewis, as Creek Freedmen.

D E C I S I O N

The record in this case shows that on April 25, 1904, Flora Franklin appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself, and her three grand-children, Louanna, Florence and John Mullen; that on the same day Sarah Ann Drew made application for enrollment; that on the same day Marinda Humphreys made application for the enrollment of herself and her children, Tennie, Willis, Maleah, Ada and Shaddie Humphreys, Fanny and Alice Lewis, and her grand-children, Maty and Son Lewis, all as Creek freedmen. The Commission, under date of May 24, 1904, rendered a decision in said cause, adverse to the applicants, which said decision was affirmed by the Department October 18, 1904. The Department, under date of February 20, 1906, on motion for review and rehearing filed in this case, remanded same for further proof and adjudication, in accordance with the approved opinion of the Assistant Attorney General, dated October 18, 1905, in the matter of the application for the enrollment of Joe Harrison, as a Creek Freedman. Further proceedings were had March 19, 20, 23, 26, and 30, 1906.

The evidence shows that none of the applicants are identified on the roll made by J. W. Dunn prior to March 14, 1867, nor on any tribal roll of the Creek Nation in the possession of the Commissioner; that the applicants, born since the preparation of the Dunn roll, are not the descendants of a person or persons whose names are found on said roll, nor are they, or any of them, the descendants of a person or persons whose names are found on the 1890 or 1895 rolls of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been admitted to citizenship in the Creek Nation by the tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It appears that on September 3, 1896, application was made to the Commission for admission of Flora Franklin and her children, Marinda Humphrey, Jane Roberts, Sarah Parish, Paralee Mullen and Ketch Loren, under the provisions of the Act of Congress, June 10, 1896 (29 Stats., 321); that the application was denied and that no appeal was taken from the judgment of the Commission.

Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137) provides:

"That the approved roll of Creek Freedmen shall include only those persons [illegible] roll prepared by J. W. [illegible] United States prior to March fourteenth, [illegible] and their descendants born [illegible] roll was made, and those lawfully admitted to citizenship in the Creek Nation, subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department in an approved opinion dated May 31, 1906, in the matter of the application of Priscilla Carruthers, for enrollment as a freedman citizen of the Creek Nation (a case analogous to that of Flora Franklin, et al) referring to the above provision of law, states: "Congress has now made the Dunn roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior."

In view of the provision of law and opinion of the Assistant Attorney General above referred to, I am of the opinion that Flora Franklin, [illegible] Mullen, Florence Mullen, John Mullen, Sarah Ann Drew, [illegible] Humphreys, Tommie Humphreys, Willie Humphreys, [illegible] Humphreys, [illegible] Humphreys, Chaddie Humphreys, Fanny Lewis, Lucy Lewis, Ben Lewis and Alice Lewis are not entitled to enrollment as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

[illegible signature]

Commissioner.

Muskogee, Indian Territory.

JAN 22 1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON, February 21, 1907

Refer in reply to the following:
Land
9085-1907
COPY

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 22, 1907, enclosing the record in the matter of the application of Flora Franklin, et al., for enrollment as Creek freedmen.

It appears that on February 20, 1906, the Department granted a motion for review and rehearing in this case (I.T.D. 2383-1906).

In view of the approved opinion of the Assistant Attorney General for the Interior Department, dated October 12, 1905, in the matter of the application of Joe Harrison for enrollment as a Creek freedman, with instructions that this case be reopened and that the applicants be allowed to present further proof in support of their case, the parties in interest were notified that a rehearing would be had on March 19, 1906, and testimony was taken in the matter on March 19, 20, 23, 26 and 30, 1906. The evidence submitted at this rehearing differs in no material respect from that introduced at the first hearing on which the decision of the Commission, dated May 24, 1904, was based.

The evidence shows that none of the applicants are identified on the Dunn roll made by James W. Dunn prior to March 14, 1867, or on any tribal roll of the Creek Nation in possession of the Commissioner; that the applicants born since the preparation of the Dunn roll are not the descendents of a person or persons, whose names are found on that roll, nor are they, or any of them, the descendants of a person, or persons, whose names are found on the 1890 or the 1895 rolls of the Creek Nation. The evidence does not show that the applicants, or any of them, have ever been admitted to citizenship in the Creek Nation by the tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

It further appears that on September 3, 1896, application was made to the Commission for the admission of Flora Franklin and her children, Marinda Humphreys, Jane Roberts, Sarah Parish Paralee Mullen, and Ketch Loren, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat L. 321); that the application was denied, and that no appeal was taken from the judgment of the Commission.

Section 3 of the Act of Congress approved April 26,1906 (34 Stat.L.137) provides:

That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J.W.Dunn, under authority of the United States, prior to March 14, 1867, and their descendents born since said roll was made and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department of the Interior, in the approved opinion, dated May 31, 1906 in the matter of the application of Frissie Carruthers for enrollment as a Creek freedman, and referring to the provisions of the Act above quoted said:

> Congress has now made the Dunn roll final and conclusive as to all applicants of this class whose enrollment has not been approved by the Secretary of the Interior.

In view of Section 3 of the Act of April 26,1906 (34 Stat. L. 137), and the opinion of the Assistant Attorney General in the above quoted case, the Office is of the opinion that the decision of the Commissioner, denying the enrollment of Flora Franklin, Louanna Mullen, Floressa Mullen, John Mullen, Sarah Ann Drew, Marinda Humphreys, Tommie Humphreys, Willis Humphreys Maleah Humphreys, Ada Humphreys, Shaddie Humphreys, Fanny Lewis, Maty Lewis, Son Lewis, and Alice Lewis, as Creek freedmen, is correct, and it is recommended that it be affirmed.

Very respectfully,

C.F.Larrabee
Acting Commissioner

EWE SD

DEPARTMENT OF THE INTERIOR, OK OK
I.T.D.4556-1907 WASHINGTON, February 28, 1907
LRS
Direct

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In conformity with the opinion of the Attorney General of the United States, of February 19, 1907 (I.T.D.4554-, in the consolidated cases of William C. Thompson et al., and in accordance with the approved opinion of the Assistant Attorney General, of May 31, 1906 (I.T.D.10016), in the Creek Freedman case of Frissie Carruthers, and Indian Office letter of February 21, 1907 (Land 9085), your decision of January 22, 1907, denying the application of Flora Franklin, Louanna Mullen, Florence Mullen, John Mullen, Sarah Ann Drew, Marinda Humphreys, Tommie Humphreys, Willis Humphreys, Maleah Humphreys, Ada Humphreys, Shaddie Humphreys, Fanny Lewis, Maty Lewis, Ben Lewis, and Alice Lewis, as Creek Freedmen, is hereby affirmed.

You will advise applicants and their attorneys of this action.

The record has this day been returned to the files of the Indian Office, together with a carbon copy hereof.

Copy of Indian Office letter, above referred to, is enclosed.

Respectfully,
Jesse E. Wilson
Assistant Secretary

1 inc and 3 for Ind Of

[redacted]

[redacted]

[redacted]

Ridge, Indian Territory.

Dear [redacted]:

You are hereby advised that the Secretary of the Interior under date of February 28, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and others, as Creek Freedmen.

Respectfully,

Commissioner.

[illegible]

[illegible]

[illegible]

Dear [illegible]:

You are hereby advised that the Secretary of the Interior under date of February 26, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Fleta Franklin and others, as Creek Freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 23, 1907.

Malinda Humphreys,

General Delivery,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of February 28, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and minor children, as Creek Freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 23, 1907.

E. [illegible].

Attorney for Flora Franklin, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of February 28, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Flora Franklin, et al., as Creek Freedmen.

Respectfully,

Commissioner.

CR EEN 477

CR EEN 477

[redacted] OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
[redacted] I.T. August 28, 1904.

In the matter of the application for the enrollment of Travis Anderson as a Creek freedman.

Travis Anderson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Travis Anderson.
Q How old are you? A Seventy.
Q What is your post office address? A Muskogee.
Q Do you live in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Four months since I came this time.
Q Where did you live before that? A Texas.
Q How long did you live in Texas? A Twenty years.
Q Where did you live before that? A Alabama.
Q Did you live in Alabama all your life before you went to Texas? A Yes sir.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q Did you ever make application to be enrolled as a Creek citizen to the Creek authorities? A No sir, never did.
Q Did you ever appear before this Commission before this time to make application for citizenship? A No sir.
Q To what town in the Creek nation do you claim to belong? A Muskogee. (Somebody outside says Canadian.)
Q In what way do you claim to have any rights in the Creek Nation? A My father was a native.
Q Was he a Creek freedman? A Yes sir.
Q Is he dead? A Yes sir, I reckon so; I come here and stayed with him one year; and my mother didn't like him and went away and I followed her.
Q When was that? A About the breakin up of the war.
Q Was it before the War closed or after? A Just after it closed.
Q How long after? A I can't tell you that.
Q What was the name of your father? A Collin Anderson.
Q Was he living at the close of the war? A Yes sir, I reckon he was.

The roll made by J.W.Bunn prior to March 14, 1867, examined and the applicant not identified thereon; neither is his father identified thereon. The 1890 and 1895 rolls of the Creek Nation examined and the applicant not identified thereon: the 1891 and 1895 omitted rolls of the Creek Nation examined and the applicant not identified thereon.

List of persons who made application to the Commission to the Five Civilized Tribes for citizenship in the Creek Nation under the act of June 10, 1896, examined and it does not appear that the applicant applied to the Commission for citizenship under the provisions of said act.

List of persons who made application for citizenship in the Creek Nation to the Creek citizenship Commission, commonly known as the Kelsert Commission, examined and it does not appear that the applicant applied for admission to citizenship in said Nation to said Commission.

Q Is there anything further you want to state about your case?
A I just want to see whether I can get my right in the Creek Nation.
Q If there is any reason why you have any legal claim, now is the time to state why should you be enrolled. You are on no roll; you have not been admitted. If there is anything else that I don't know anything about, state it.--- Have you anything further to say? A No sir.
Q Anything that you think will have any bearing in your case; that you think will help you out in any way- we will take it down. Is there anything further? A No sir.

########

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 26, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 27th day of April, 1904.

Charles H Sawyer

Notary Public.

No. 477.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER of the application for the enrollment of Travis Andersen as a Creek freedman.

D E C I S I O N.

The record in this case shows that on April 26, 1904, Travis Andersen appeared before the Commission and made application for enrollment as a Creek freedman.

The evidence shows that the applicant was seventy years old at the date of the application herein; that he is not identified on the roll made by J.W.Dunn prior to March 14, 1867, nor is he identified on any tribal roll of the Creek Nation in the possession of the Commission.

It does not appear that the applicant has been admitted to citizenship in the Creek Nation by the tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It is the opinion of the Commission that said Travis Andersen is not entitled to enrollment as a Creek freedman as provided by the acts of Congress, June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), or any of said acts, and that the application for his enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Commissioner.

T. R. Rustin

Commissioner.

Dated at Muskogee, Indian Territory.

May 24. 1904

3813

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDINRIDGE.

WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
No. 182.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 29, 1904.

Pompey Robinson,

Okmulgee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your deceased son, Nolen Robinson, you were notified by letter of March 3, 1903, that further testimony was desired in the case and you were required to appear before the Commission and submit testimony. No further evidence has been offered.

You are now advised that it is necessary that you appear before the Commission for the purpose of being further examined.

This matter should receive your prompt attention.

Respectfully,

Chairman.

Creek En. 477.

Muskogee, Indian Territory, May 25, 1904.

Travis Anderson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the five Civilized Tribes in the matter of your application for enrollment as a Creek freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

MOH-24-25.

0015

Creek No. 477.

Muskogee, Indian Territory, May 25, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Travis Anderson for enrollment as a Creek freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

RGH-25-25

J.B.B.

Creek En. 477.

Muskogee, Indian Territory, May 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Travis Anderson for enrollment as a Creek Freedman, including the decision of the Commission dated May 24, 1904, denying said application.

Respectfully,

Chairman.

Through the Commissioner

Of Indian Affairs.

HGH-26-25.

C O P Y.

DEPARTMENT OF THE INTERIOR, WCF,
WASHINGTON. LLB.

I.T.D. 8704-1904. October 6, 1904.

J.P.
LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 25, 1904, you transmitted the record in the matter of the application of Travis Anderson for enrollment as a Creek Freedman, including your decision of May 24, 1904, rejecting said application.

Reporting September 29 the Acting Commissioner of Indian Affairs recommends that your decision be approved.

The Department concurs in said recommendation and your decision is affirmed.

A copy of the Acting Commissioner's letter is enclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

One Enclosure.

Copy.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Land
35667-1904.

WASHINGTON, September 29, 1904

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 25, 1904, transmitting the record of the application for enrollment as a Creek Freedman by Travis Anderson.

May 24, 1904, the Commission decided adversely to the applicant.

The record shows that on April 24, 1904, the applicant, being then Seventy years of age, made application for enrollment as a Creek Freedman. His name [illegible] to the Creek Nation, nor has he been admitted to citizenship by any tribnual.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner.

Acting Commissioner.

MMM.

W.

Copy

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

Land
35667-1904.

WASHINGTON, September 29, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 25, 1904, transmitting the record of the application for enrollment as a Creek Freedman by Travis Anderson.

May 24, 1904, the Commission decided adversely to the applicant.

The record shows that on April 24, 1904, the applicant, being then Seventy years of age, made application for enrollment as a Creek Freedman. His name is not identified on any roll pertaining to the Creek Nation, nor has he been admitted to citizenship by any tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner.

Acting Commissioner.

MMM.
W.

Creek En. 477.

Muskogee, Indian Territory, October 20, 1904.

W.L.Matt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 6, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 24, 1904, denying the application of Travis Anderson for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Creek No. 477.

Muskogee, Indian Territory, October 20, 1904.

Travis Anderson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 6, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 24, 1904, denying the application of Travis Anderson for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Registar.

CR EN 475

CR EN 478

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 22, 1904.

In the matter of the application for the enrollment of William L., Annie, Willie, Florence and Maude Turner, as Creek freedmen.

William L. Turner being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A William L. Turner.
Q How old are you? A Going on 40 years.
Q What is your post office address? A Wagoner.
Q Do you desire to make application for enrollment as a Creek by blood or a Creek freedman? A Freedman.
Q To what town in the Creek nation do you claim to belong? A I don't really know.
Q Have you some children for whom you wish to apply? A Yes sir, 4.
Q What is the name of the oldest one? A Annie, she will be 16 years old next January.
Q Next? A Willie; he will be 13 years old next November 8th.
Q What is the name of the next? A Florence; she's 7.
Q Next? A Maude; she(s four.
Q Are you the father of these children? A Yes sir.
Q What is the name of their mother? A Lucy.
Q Do you claim that Lucy is a citizen of the Creek nation? A She's a Cherokee.
Q Has she been enrolled as a Cherokee? A No sir;she's part Cherokee and part of the Creek.
Q She's part Creek? A Yes sir.
Q Do you live in the Creek Nation? A Yes sir.
Q How long have you lived there? A O, near a year.
Q Where did you live before that? A Arkansas and Mississippi.
Q Where did you come from when you came to the Creek Nation? A Pine Bluff Arkansas.
Q How long did you live in Arkansas? A Near two years.
Q Where did you live before that? A In Mississippi.
Q How long did you live in Mississippi? A About 10 years.
Q Where did you live before that? A Alabama.
Q How long did you live there? A The biggest portion of my life.
Q Did you ever live in the Creek Nation expept the past year? A Yes sir; I stayed here and Oklahoma; I never lived in Muskogee and Wagoner until this last time.
Q How long did you live in the Creek Nation before this time? A Abou 18 months.
Q When was that? A In 1898.
Q That's the only time until the present time that you ever lived there? A I was here before then but didn't stay here but 6 months that was in 1878.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q Is your name on the tribal rolls of the Creek Nation? A I don't know.
Q What is the name of your father? A Henry Turner.
Q Is he living or dead? A Dead.

Q Was he a citizen of the Creek Nation? A He lived in the Creek Nation; I don't know whether he became a citizen.
Q How long has he been dead? A About 18 years.
Q What is the name of your mother? A Letha.
Q Is she living or dead? A Dead.
Q How long has she been dead? A About 8 years.
Q Did she ever live in the Creek Nation? A No sir, she didn't stay here.
Q Do you claim through your father or mother? A Through my father.
Q Was he a slave before the war? A I reckon so.

The roll made by J.W.Dunn prior to March 14, 1867, examined and no person by the name of Turner is found thereon.

Q How long have you been married? A About 19 years.
Q Where were you married? A In Mississippi.
Q Was your wife a resident of that state at that time? A She was living there at that time, yes sir; but her people brought her from out in this country.
Q How old is she? A About 35 I reckon.
Q What was her name before you married her? A Lucy Battel; it was given to her from the white people she belonged to as far as I know.
Q Do you know the name of her father? A No sir, I don't.
Q Do you know the name of her mother? A Her name was Mary Ann Battel; by the white people that know her. I don't know what her other name was; I think her father was a Sidney, but I am not positive.

The Dunn roll examined and none of the names given by the applicant identified thereon.

Q Is there anything else you want to say now? A I believe that's all. Of course I have other witnesses.

(At the request of the applicant this case is continued for further testimony and he will be given a reasonable time in which to introduce additional evidence in the case.)

Q Did you ever make application before this to the Commission?
A No sir.
Q Did you ever apply to the Creek authorities to be admitted to citizenship? A No sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 26, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 27th day of April, 1904.

Charles N. Sawyer

Notary Public.

8814

Ent. 470

Muskogee, Indian Territory, November 29, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the testimony in the matter of the application for the enrollment of William L. Turner, et al., as Creek Freedmen.

The Creek Nation will be allowed a reasonable time within which to submit evidence in the case.

Respectfully,

Commissioner in Charge.

HGR-1-11-29

531

Muskogee, Indian Territory, June 21,1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

William L. Turner appeared before the Commission and made application for the enrollment of himself and his minor children, Annie, Willie, Florence and Maud Turner as Creek Freedmen.

In the course of his testimony the claim was made that the mother of said children is part Cherokee, and her name was given as Lucy Ann Turner, Battle or Sidney. There is also reason to believe that she is sometimes called Lucy Ann Grayson.

You are requested to advise the Creek Enrollment Division whether or not application has been made for the enrollment of any of said children or their said mother as Cherokees. A copy of the testimony of April 6,1904, is herewith enclosed.

Respectfully,

Enc.LM-24.

Chairman.

#531

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 11, 1905.

Commissioner to the Five Civilized Tribes,
(Creek Enrollment Division),
Muskogee, Indian Territory.

Sir:

Receipt is hereby acknowledged of your letter requesting to be advised whether or not application has been made for the enrollment of William L. Turner and his children, Annie, Willie, Florence, and Maud Turner, as Cherokees, together with the testimony of William L. Turner taken on April 26, 1904, at Muskogee, Indian Territory, by the Creek Enrollment Division.

In reply you are advised that no application has been made to the Cherokee Enrollment Division for the enrollment of either William L. Turner or of his children.

Respectfully,

Commissioner.

Rn.476. I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William L. Turner as a Creek freedman.

SUPPLEMENTAL STATEMENT.

Tribal rolls of the Creek Nation in the possession of this office examined and the applicant herein is not identified on any of said rolls.

Record of the proceedings of the Gilbert Commission in the possession of this office examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes under authority of the act of Congress June 28, 1898 (29 Stats., 321), examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

W. O. Beall
Acting Commissioner.

Muskogee, Indian Territory,

September 6, 1905.

En.478

Muskogee, Indian Territory, January 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of William L. Turner as a Creek freedman, including the decision of the Commission to the Five Civilized Tribes, dated January 12, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs
AS-AR

En.478

Muskogee, Indian Territory, January 15, 1906.

William L. Turner,

Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for your enrollment as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-40

En.478

Muskogee, Indian Territory, January 18, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of William L. Turner as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-41

Enc.478. I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William L. Turner as a Creek freedman.

D E C I S I O N.

The record in this case shows that on April 26, 1904, William L. Turner appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of himself and his four minor children, Annie, Willie, Florence and Maude Turner as Creek freedmen. Further proceedings were had September 6, 1905.

It appearing from the records of this office that on July 8, 1904, Lucy Ann Turner, the mother of said Annie, Willie, Florence and Maude Turner made application for the enrollment of herself and her said minor children as Creek freedmen, the application for the enrollment of said minor children will be considered with the application of their mother.

The evidence shows that said William L. Turner was forty years old at the date of the application herein and that his name does not appear on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867.

The evidence further shows that said William L. Turner has never been enrolled as a citizen of the Creek Nation, nor has he ever been admitted to citizenship in said nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said William L. Turner as a Creek freedman, and the application for his enrollment as such is accordingly denied.

Commissioner.

Muskogee, Indian Territory,

JAN 12 1906

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
3452-1906.

February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 15, 1906, transmitting the record of the application made April 26, 1904, for enrollment as a Creek Freedman by William L. Turner.

January 12, 1906, the Commissioner decided adversely to the applicant.

The record shows that the applicant was forty years of age at the date of application and that his name does not appear upon the Dunn Roll. It is further shown that he has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

MBM
C

478

COPY

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.2538-1906. February 17, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

January 15, 1906, you transmitted the record in the matter of the application for the enrollment of William L. Turner as a Creek freedman.

Reporting February 12, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision dated January 12, 1906, is hereby affirmed.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 inclosure.

Cr.No. 478.

Muskogee, Indian Territory, February 26, 1906.

William L. Turner,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, on February 17, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for your enrollment as a Creek Freedman.

Respectfully,

Acting Commissioner.

Cr.Bn. 478.

Muskogee, Indian Territory, February 26, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, on February 17, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of William L. Turner as a Creek Freedman.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. APRIL 29, 1904.

In the matter of the application for the enrollment of Grayson Watts as a Creek freedman.

Grayson Watts being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Grayson Watts.
Q How old are you? A About 60 I guess.
Q What is your post office address? A Sowokla, I.T.
Q Do you make application to be enrolled as a Creek freedman? A Yes sir.
Q To what town in the Creek Nation do you claim to belong? A Bruner.
Q There is no such town as Bruner; there are just three colored towns: Arkansas, Canadian Colored and North Fork. A North Fork.
Q Where do you live? A In Concharte.
Q In the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Over 15 years.
Q Where did you live before that? A Seminole Nation; Wewoka.
Q How long did you live there? A 8 years.
Q Where did you live before tht? A In the old Creek Nation.
Q How long? A About 12 years I think; me and my brother.
Q Where did you live before that? A I was traveling about then; I stayed there about 9 months and then come back and went to Ft. Smith for three weeks and then went to Wagoner.
Q Did you ever draw any money from the Creek Nation? A. No sir.
Q Was any money ever drawn for you? A Yes; the old man died that drew it for me, old Tobe Drew.
Q How much was it? A I believe it was 20 or 29; something along there. When I come back from Seminole he said "I have got your money here but not all of it, but I will give you a pony for the balance."
Q Were youmever known by any other name? A No sir, only Grayson Watts.

The 1890 authenticated tribal roll of the Creek Nation examined North Fork town, and the name of the applicant not found thereon; the 1891 omitted roll examined and the name of the applicant not found thereon.

The 1895 payroll of the Creek Nation examined, and the name of the applicant not found; the 1895 omitted roll of the Creek Nation examined and the name of the applicant not found.

The roll made by J.W.Dunn prior to March 14, 1867, examined and the name of the applicant not found.

List of persons who made application to the Commission to the Five Civilized Tribes for citizenship in the Creek Nation under the act of June 10, 1896 examined and the name of the applicant not found

The records of the Creek citizenship Commission, commonly known as the Colbert Commission, examined and it does not appear that the

applicant made application for citizenship to said Commission.

Q Did you ever live in Texas? A No sir.
Q Did you ever live in any of the States? A None of the States further than just passing through there.
Q Ever live there? A No sir; I just been an old runabout; that's the reason why I am so far behind.
Q Did you ever go to the Creek council and try to get them to put you on the roll? A Yes sir, I have been to Okmulgee and went to old man Needles.
Q I am talking about the Creek Council. A Yes sir, I went there and to the Seminole, but they never would put me on; they said I couldn't be found on any roll, that's the reason why they couldn't put me on; the last time I went to Wewoka they told me I didn't appear on the Seminole- I drew on the Creek if I was a Grayson.
Q Your name is Grayson Watts? A Yes sir.
Q Never was called anything else? A No sir; since this filing business commenced and before I had two little places; I had to give them up.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 29, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 29th day of April, 1904.

Charles H. Sawyer
Notary Public.

J.W.D

No. 475.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Grayson Watts as a Creek freedman.

D E C I S I O N .

The record in this case shows that on April 29, 1904, Grayson Watts appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek freedman.

The evidence shows that the applicant is not identified on the roll made by J. W. Dunn prior to March 14, 1867, nor on the 1890 or 1898 rolls of the Creek Nation; neither has he been admitted to citizenship in the Creek Nation by the tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It is the opinion of the Commission that said Grayson Watts is not entitled to enrollment as a Creek freedman as provided by the acts of Congress, June 28, 1898 (30 Stats., 495), March 1, 1901 (31 Stats., 861) and June 30, 1902 (32 Stats., 500), or any of said acts, and that the application for his enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.
May 24. 1904

3813

Creek En. 479.

Muskogee, Indian Territory, May 25, 1904.

Grayson Watts,

Sawokla, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register

HGH-17-25.

203

Creek Bn. 479.

Muskogee, Indian Territory, May 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Grayson Watts for enrollment as a Creek freedman, including the decision of the Commission, dated May 24, 1904, denying said application.

Respectfully,

Chairman.

Through the Commissioner

Of Indian Affairs.

HCH-19-25.

8813

Creek En. 479.

Muskogee, Indian Territory, May 25, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Grayson Watts for enrollment as a Creek freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

MCH-18-25.

DEPARTMENT OF THE INTERIOR.

Land
28666-1904.

OFFICE OF INDIAN AFFAIRS,

Washington, September 30, 1904.

The Honorable,

The Secretary of the Interior

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 25, 1904, transmitting the record of the application for enrollment as a Creek freedman by Grayson Watts for himself.

The decision of the Commission appears to be without date but is adverse to the applicant.

The record shows that the applicant is not identified on any roll pertaining to the Creek Nation, nor has he been admitted to citizenship by tribal, or other authority.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.M.

W.

L.R.R. 810-1904 DEPARTMENT OF THE INTERIOR, THE A.C.F.
L.R.R. WASHINGTON October 28, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 26, 1904, you transmitted the record in the matter of the application for the enrollment of Grayson Watts as a Creek freedman, including your decision of May 24, 1904, denying said application.

Reporting on the matter September 30, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,
Acting Secretary.

1 inclosure.

[illegible]

[illegible], Indian Territory, October [illegible]

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 24, 1904, denying the application of Grayson Watts for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 26, 1904.

Grayson Watts,

Sawokla, Indian Territory.

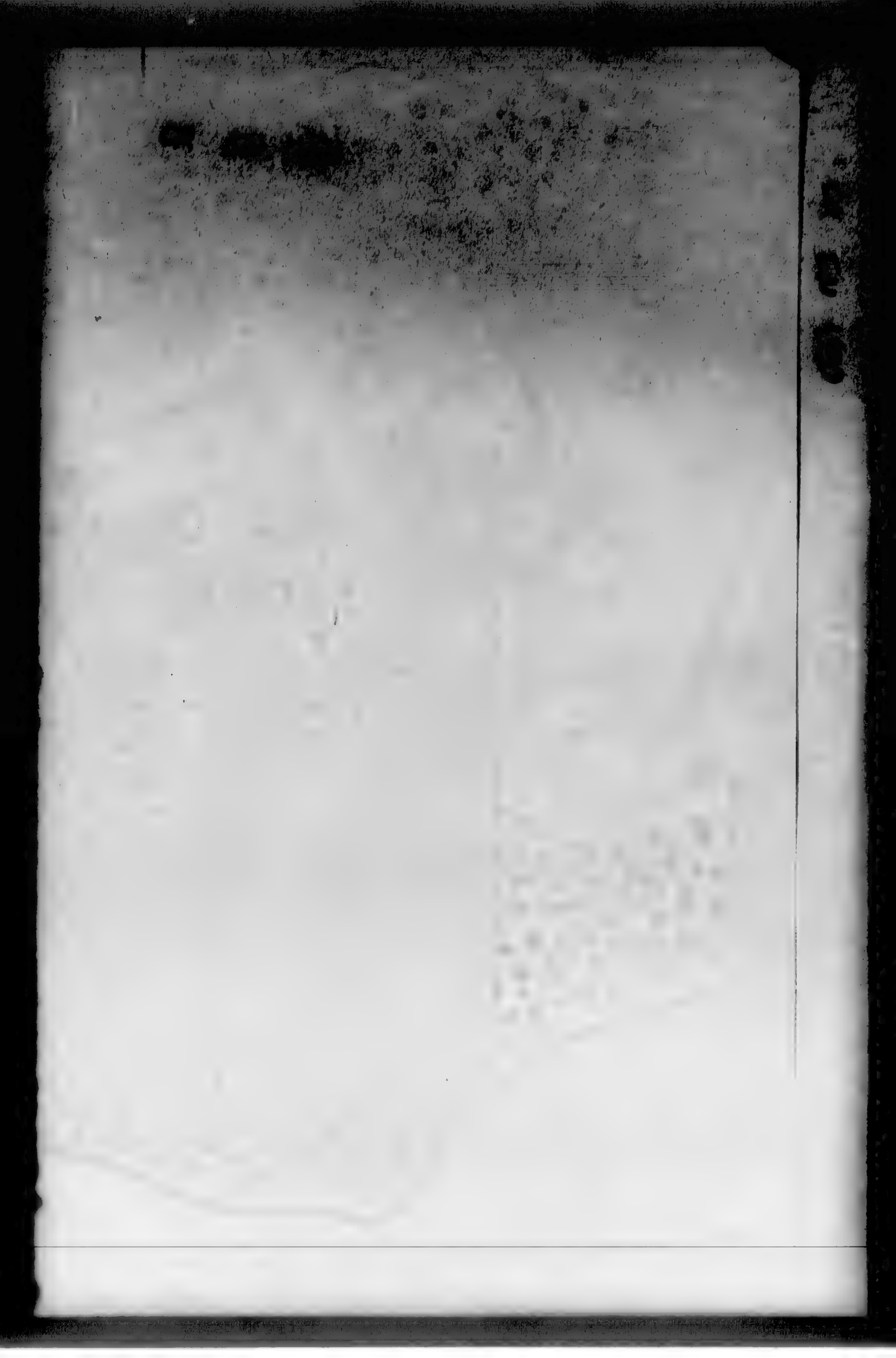
Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated May 24, 1904, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Register.



Creek No. 488.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 20, 1900.

In the matter of the application for the enrollment of Harvy Patrick et al., as Creek freedmen.

APPEARANCES: { M. L. Mott, Att'y for Creek Nation.
Edward Merrick, Att'y for applicants.

Tobe McIntosh, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Tobe McIntosh.
Q How old are you? A Well I don't know my correct age.
Q Well about how old, about 60 or 70? A About--some where along there.
Q What is your post office? A Muskogee. I live here.
Q Do you know Harvy Patrick? A I don't know that I know him by that name. We always called him Buddy when he was a boy. I didn't know he changed his name. (referring to the principal applicant who is in the room)
Q What is his mother's name? A Tana Pentonk.
Q Was she a freedman or a Creek by blood? A She was a freedman.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Pentonk Taylor.
Q She living or dead? A Dead.
Q How long she been dead? A I couldn't tell you how long may be ten or eleven years, I 'spect twelve.
Q How long did you know her before she died? A Know her before the war.
Q You knew her up until the time she died? A Yes, sir.
Q She lived in the Creek Nation all the time? A Yes, sir, all the time.
Q How come this boy to get away from her? A She had an aunt and the aunt took this boy away with her.
Q Where to? A Went to Texas some wheres, I don't know where but she took him with her some place.
Q How long has this man you call Buddy been back here? I can't tell you how long, but I think I seen him back and forth here two years.
Q Did his mother have any other children? A No, sir, she didn't have none. She didn't have none when she died. Didn't have any but this boy and no other relation but that aunt.
Q Did his mother have a brother? A No, sir, not as I know of.
Q Did you ever know Felix Harris? A Yes, sir.
Q Was he any kin to this woman? A No, sir, nohow I know of.

By Edward Merrick:

Q Was Tana Pentonk ever called Tana Taylor? A Yes, sir, it is the same name. It is the name of her owner. Pentonk is his first name.
Q Was Tana here when the Dunn Roll was made? Yes, sir.
Q Do you know whether her name was on it or not? A Yes, sir, I was there, I interpreted it.
Q Did she have any family living with her when that roll was made.
A No, sir.
Q Tana Taylor and Tana Pentonk are the same person? A Yes, sir.
Q They sometimes called her Pentonk and sometimes Taylor? A Yes, sir, sometimes Taylor.
Q Was Tana Taylor a slave? A Yes, sir.
Q Whom did she belong to? A To Pentonk Taylor.

Creek F. No. 4[illegible]-S.

Q Do you know who the reputed father of the applicant, Harry Patrick, was? A Peter Harrison.
Q Was he an Indian by blood? A Yes, full blood Indian.
Q What was the name of this aunt you say took Mr. Patrick away. A That was hard for me to remember and it has been so long that I can't think of it, but that was the aunt that took Buddy so he could keep her company.
Q Did you recognize the applicant, Harry Patrick, here, as the same child this woman, Tama, had? A Yes, sir, it is the same child and I will swear that on a stack of Bibles.

By Commission:

Q How old was this boy when he was taken away? A He was between ten and eleven years when he was taken away.
Q You recognized him when you first saw him? A Yes, sir.

M. L. Mott:

Q How old is that boy? A He ought to be about 30.
Q Been eighteen years since you saw him? A Yes, sir.
Q Were you here when the Dunn Roll was made? A Yes, sir, of course, I interpreted it.
Q You know you were present when Tama Taylor's name was put on? A Yes, sir, I was present.
Q Right there? A Yes, sir, right there.
Q How was she entered on the roll----did she come in before a Commission? A Yes, sir.
Q Was you present when she came in? A Yes, sir.
Q And she was entered on the roll as Tama Taylor in your presence? A Yes, sir.
Q Why didn't she enter this boy? A Because this boy wasn't here.
Q Was she married? A No, sir.
Q This is a bastard boy? A Yes, sir, you might call it that.
Q Was his father an Indian? A Yes, sir, a full blood.
Q Who was his father? A Peter Harrison.
Q What blood was his mother? A Colored.
Q Full blood? A Yes, sir, full blood African descendant.
Q Black was she? A Yes, sir.
Q She claim this man to be his daddy? A Yes, sir, he owned it before me that it is his child. He never did deny it.
Q Where did she go when the aunt took the boy to Tama? A Right here.
Q Did she have any kin folks beside this boy? A No, sir, only her aunt.
Q Why didn't she keep the boy for company herself? A I don't know anything about that, that's her business. Her aunt wanted this boy and his mother let her have him.
Q You recognized this boy without any one telling you? A Yes, sir.
Q Did you know he was here? A Yes, sir, when I met him.
Q Did you know it before? A Yes, sir.
Q Had you been told that he was coming here? A No, sir.
Q Had you been told that he was going to make application? A No, sir, and when he came up to me and I said howdy do Buddy, he said did I know his mother and he would like for me to explain it before the Dawes Commission and I said I would.

By Commission:

Q When was it that he had that talk with you? A To-day.

M. L. Mott:

Q He till to-day? A No, not till to-day.
Q You say you never know any body by the name of Kelvy Harris? A No, sir, that is what I said.

Subscribed and sworn to before me this [illegible]

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T. August 8, 1904.

In re 680.

Additional testimony

In the matter of the application for the enrollment of Harvey Patrick, et al., as Creek Freedmen.

APPEARANCES: M. L. Matt, Attorney for Creek Nation.
W. L. Merrick, Attorney for applicants.

Nero Drew being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Nero Drew.
Q How old are you? A I am eighty or along in there.
Q Where do you live? A Right here at Muskogee.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know Harvey Patrick? / Yes sir, I have been knowing him ever since he was a little bit of a fellow.
Q Do you know him now? A Yes, I know him; quick as he come in town Saturday I knew him.
Q How long have you been knowing him? A A long time; I knowed his mother and his grandmother.
Q Was he out of the Creek Nation for a while? A Yes sir, a while.
Q How old was he when he went out? A He was a little boy; his grandmother took him from his mother.
Q What was his mother's name? A Rachel Taylor.
Q Was that his mother? A No sir, that's his grandmother.
Q Did you know his mother? A Yes sir; his mother was Mimi or something; I call her name Granny Tomah; Tema was this Boy's mammy. (The name Tema is prompted to witness by the Applicant. Applicant is warned not to talk to the witness.)
Q You must testify to what you know- not to what somebody tells you.
A Well, that's what I am going to do.
Q Now, what do you say is the name of this man's mother? A Tema.
Q Did you know her? A I knowed her good; when we first come to the Territory here- I used to live on this side of the river.
Q What is the name of Harvey Patrick's father? A I don't know; he is dead a long time ago.
Q Is his mother dead or living, this man's mother? / I don't know whether she is living or dead; I haven't seen her for some 4 or 5 years.
Q I want you to try to refresh your memory now; how long has it been since you saw his mother? A I don't think its more than eight years-- eight years, maybe more than that; about the time they were fixing up the Dunn Roll; I knowed them before that.
Q The time of the fixing of the Dunn Ro ll-- A Yes sir; before that; I knowed this boy; they used to call him Buddy.
Q Were you here when the Dunn Roll was made? A Me? Yes sir.
Q Is your name on the Dunn Roll? A I don't know whether it is or not.
Q Were you admitted by the Creek council? A Yes sir; I got on all right.
Q Was Harvey Patrick's mother a slave? A Yes sir.
Q Whom did she belong to? A Some name I don't know; its been so long that I can't remember; the man she belonged to is dead.
Q I wanted to know if you knew his name? A Yes sir.
Q What was it? A Corretie; something like that.

Q Did Harvey Patrick's mother live in the Creek Nation from the War until she died? A She lived right in the Creek Nation.
Q She went down in Texas, then came back again? A Yes sir; she used to [illegible] and then out at Okmulgee.
Q Did this boy live with her all the time? A Yes sir, boy lived with his granny; she give him to her.
Q What was her name? A Her granny was Rachel and her mother was Tamar; you talk so fast.
Q Was this man ever called anything else besides Harvey? A No sir; I just heard them call him Buddy all the time.
Q This is the same man they called Buddy? A Yes sir; when I knowed him he was a small boy.
Q What is his correct name? A I don't know what's his correct name; I only just heard them call him Buddy all the time.
Q Was Harvey Patrick's father a Creek by blood or Freedman-- or do you know? A I don't know sir; there was some to North York and some to Deep Fork and this one of Canadian, but I don't know.
Q You know that this man here is the son of Tamar Taylor, do you? A Yes sir, I knowed him good; but his granny took him and he stayed with her more than with his mother.

Examination by Mr. Merrick:
Q Here, about how old was Harvey Patrick when his granny took him away? A He was small; little bit of a fellow; I can't tell you exactly how old he was.
Q Where did his granny take him to from the Creek Nation, or do you know? A No sir, I don't know exactly where; I think down to Texas somewhere.
Q You know Tamar Taylor did you? A Yes sir, I knowed the old lady good.
Q Harvey Patrick, the applicant here, was Tamar's son, was he? A Yes sir.
Q Do you know whether Tamar was a slave or not? A Yes sir; she was a slave.
Q To whom did she belong? Who was her owner? A This Garrett.
Q Garrett? A Garrett, or something like that.
Q Was he a Creek Indian? A Her master?
Q Yes. A Yes sir, he was a Creek.
Q Was Tamar Taylor here at the time the Dunn Roll was made? A I don't think he was born.
Q No; I said, was Tamar Taylor? A The old lady?
Q Yes; was she here at the time the Dunn Roll was made? A Yes sir.
Q Do you know whether or not her name was put on the Dunn Roll? A Yes sir, I think pretty much I know her name was put on there.
Q Was Harvey Patrick, or Buddy as you knew him then, was he born after the Dunn Roll was made, or before? A I can't tell exactly; I think he was born after the Dunn Roll was made; I knowed him as a little bit of a fellow.

Examination by Mr. Mott:
Q How long before the war was Harvey born, or was it during the war? A He was born after the war; he was a little bit of a kid when I come to the country.
Q When did you come to the territory- to the country? A I can't say exactly what time I did come but I come here a good while; its a long time.
Q I mean after the war? A Well, I stayed in Texas some two or three years after the war and then come back.
Q Well, how big was he when you come back here? A Well, he wasn't born yet.
Q How long after the war before he was born? A I can't tell you- I am honest about that.

Q Where was his mother [illegible]? A Right here in the [illegible] right in Deep [illegible], [illegible].

Q Did you see her? A [illegible] I knowed the lady a good while and his granny.

Q How many [illegible] this child here [illegible]

Q How long [illegible] about 4 or 5 years. Longer than that; I might have seed him but I never paid no attention.

Q Where did you see him last to know him? A Right here.

Q How long ago? A Well, I seed him here in town Saturday.

Q Well, I mean several years ago; you haven't seen him for several years? A No sir.

Q When did you last see him after the war? A Round town.

Q Did you lose sight of him then? A Well, you see I never think of him no more when I seed him; I never bothered about him any more.

Q How many years did you go without seeing him at any one time? A Well, I think its some 4 or 5 years.

Q Where was he during that time? A I don't know; I can't tell you anything about that.

Q Did you see his grandmother back here? A Yes sir.

Q Where did she take him to? A Somewheres in Texas.

Q When was that? A That's been some 4 or 5 years.

Q Why, his grandmother wasn't taking him with her some 4 or 5 years ago, was she? A I don't know.

Q How big was he when his grandmother took him to Texas? A I don't know.

Q How old? A I can't tell his age.

Q About how old? A I can't tell.

Q Can't you give some idea? A Well, I can't tell you; he might have been 10 or 12 years old.

Q Was that the last time you saw him? A He might have been.

Q Well, then, how long after then when you saw him? A I never seed him again until I met him down town here the other day.

Q Its been twenty years then since you saw him? A Yes, I expect so.

Q What did you mean a while ago when you said [illegible] it had been only 4 or 5 years; its twenty years he was out of your sight, wasn't it?
A Yes, I expect so; I was astonished to see him the other day, that he got to be a man and had some 3 or 4 children.

Q Did he tell you who he was? A No, as quick as I see him I knowed him.

Q Did you call his name? A Yes sir.

Q Did you know him right away? A Yes, just as soon as I see a man I know him I can tell him.

Q Twenty year s after? A Yes si r.

Q Recollect the name? A Yes sir; know the name.

Q What was the name of his mother? A I called it a while ago.

Q What was his mother's name; I am testing your memory now. A [illegible]; his grandmother named Rachel.

Q And you say when his grandmother took him off to Texas, you say he was about 10? A I think so; I can't tell just.

Q You never saw him again till the other day? A No sir.

Q And he has now got 3 or 4 children? A Yes sir.

Q And you knew him just as soon as you saw him without being told his name? A Yes sir. I was astonished when I seed him.

Q He didn't tell you who he was; you knew him without his telling you who he was? A Yes sir, I knowed him as quick as I saw him down here in town.

[illegible], being duly sworn on his oath, [illegible] that he [illegible]

[redacted]

[redacted]

Charles P. Chamberlain
Notary Public.

No. 458.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Harvy Patrick, Norman, Valdo and Cora Patrick as Creek Freedmen.

-: D E C I S I O N :-

The record in this case shows that on May 2, 1904, Harvy Patrick appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of himself and his three minor children, Norman, Valdo and Cora Patrick as Creek Freedmen. Further proceedings were had at Muskogee, Indian Territory, on June 20, 1904, and August 8, 1904.

The evidence shows that the applicant, Harvy Patrick, is the son of Tama Taylor, deceased, who is identified on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, and that said applicant, Harvy Patrick was born since said date.

The evidence further shows that Norman, Valdo and Cora Patrick are the minor children of said Harvy Patrick and that they were all born prior to April 1, 1899, and were living on that date.

It further appears that said applicant was a non-resident of the Indian Territory on March 1, 1901, and that he has since, in good faith, removed to the Creek Nation.

It is, therefore, the opinion of the Commission that the said Harvy Patrick, Norman Patrick, Valdo Patrick and Cora Patrick should be enrolled as Creek Freedmen, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stat., 495), and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 3 1905.

Gr.No.4[illegible].
Cr.F. Roll No.6[illegible]
to 6[illegible] inclusive.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE INDIAN TERRITORY, JANUARY 25, 1906.

In the matter of the application for the enrollment of Harvey Patrick, et al., as Creek Freedmen, Creek Freedmen Roll Nos. 6529 to 6532 inclusive.

Appearances: Jay P. Farnsworth, representing M.L. Mott, Attorney for the Creek Nation.

JOE HOWARD being first duly sworn by Edward Merrick, a Notary Public, testifies as follows:

EXAMINATION BY THE COMMISSIONER:

Q: What is your name? A Joe Howard.
Q: What is your age? A About 65.
Q: What is your Post Office? A Porter.
Q: Why did you appear before the Commissioner today? A To testify what I know, I guess.
Q: Well, testify what you know about what? A About some Patrick.
Q: Were you subpoenaed by the Commissioner to appear before him at this place? A Yes sir.
Q: Are you a citizen of the Creek Nation? A Yes sir.
Q: How long have you lived in the Creek Nation? A All of my life.
Q: Joe, were you acquainted with a woman by the name of Tama, or Tama Taylor? A Yes sir, I was raised up under her, when I came to my senses she was a settled woman.
Q: You mean by that when you were old enough to know anything this woman Tama was a grown woman? A Yes sir, she was old enough to be my mother.
Q: Did you know Tama up to the time of her death? A Yes sir.
Q: Joe, did Tama ever have a child? A I never heard of her having one. The first I ever heard of it was when I was subpoenaed in this case.
Q: Do you know Harvey Patrick? A No sir.
Q: Joe, Harvey Patrick appeared at this office, before the Commissioner to the Five Civilized Tribes in 1904, and made application for the enrollment of himself and three children, Norman, Dalde, and Cora Patrick, claiming his right to enrollment as a Creek Freedman, by reason of the fact that he was the son of Tama, a person whose name appears on the Dunn roll. Now is this claim of Harvey Patrick's true? A No sir, it could not be.
Q: You knew Tama during her life sufficiently well to know whether or not she had a child? A Yes sir, I know she never did.
Q: You are certain? A I am sure of it.
Q: How near did you live to Tama? A About two miles before the Civil war, her owner was a white man and had a store in the country.
Q: What was this white man's name? A Taylor.
Q: This man Taylor was not a Creek Indian? A No sir.

Q: Did you know Tama from the time the war closed to the time of her death? A Yes sir, I used to board with her at Okmulgee, I was a member of the Creek Council, and used to board with her when I was at Council, at least once a year.

Q: Joe, this man Harvey Patrick claims to be about 55 years of age and of course he was born since the war. How do you know it to be a fact that Tama, (or Tama Taylor), had no child born to her since the war? A I am sure of it.

Q: Have you any interest in this case one way or the other?
A: Not a bit, no further than I am a citizen of the Creek Nation.

Q:

EXAMINATION BY JAY P. FARNSWORTH:

Q: How old was Tama Taylor at the close of the Civil war?
A: The fact about it I could not tell her age but she was an old woman, she was old enough to be my mother, or grandmother.

Q: Well, do you mean by old, was she as old at the close of the civil war as you are now? A Sound to be.

Q: Then you think she was over 55 years of age at the close of the Civil war? A Yes sir.

Q: And during all the time you knew Tama, did you ever hear her say she had a child, or children? A No sir, and we had been together before the war, and during the war, at Ft. Gibson, and when peace was declared, Tama was in sight of me.

Q: And at that time she was an old woman? A Yes sir.

Q: And you are satisfied if she had ever had a child you would have known it? A Yes sir.

Q: Then the statement made by Harvey Patrick, that he was born in about the year of 1870, to Tama Taylor, could not be true.? A No truth about it, I have got a son born in the year of '68, he is older than that, she could not have had a child, she was too old.

Q: When was the last time you ever saw Tama Taylor? A More than seven years ago.

Q: Did Tama claim to be a citizen by blood, or a Freedman?
A: She was on the Freedman roll, came in on the '66 Treaty.

Q: Was Tama ever married, did she ever have a husband? A None at all as I know of.

Q: Have you any statement to make? A None only that I am satisfied that she never had a child, I am sure that she never had or I would of heard something about it, and the first I ever heard she had a child was when I was subpoenaed in this case, it would not have been true. And this child claims he was born after the civil war, he could not have been, for she was far too old to have a child after the Civil war, and she never had a husband or anything like that.

[redacted]

Elizabeth [redacted]

[redacted]

[redacted]

Notary Public.

NEW 79.

Muskogee, Indian Territory, September 21,1906.

Clara Patrick,

c/o Harvey Patrick,

Taft, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor children, Loyce, Royce and Vennetta Patrick, as Creek Freedmen, you are advised that this office requires proof of your marriage to Harvey Patrick, the father of said children; said proof may consist of either the original or a certifed copy of your marriage license and certificate, and should be forwarded at an early date.

In the matter of the application for the enrollment of your minor child, Vennetta Patrick, you are advised that this office requires the affidavit of the midwife or physician in attendance at her birth, and a blank form for that purpose is herewith enclosed.

Respectfully,

1 BA

Commissioner.

[redacted] TRIBE.

[redacted]

APPEARANCES: John G. Lieber, acting for M. L. Mott, attorney for Creek Nation.

Tobe Franklin, being first duly sworn by Henry G. Haines, a Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

Q: What is your name? A: Tobe Franklin.
Q: How old are you? A: I don't know exactly, I think I am 68.
Q: What is your post-office address? A: Boynton.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: Creek Freedman? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

Q: Do you know Harvey Patrick? A: No sir, I do not know him.
Q: Did you ever know anybody by the name of Tamer? A: Yes sir
Q: Did he have any other name than the name of Tamer?
A: Tamer Taylor.
Q: When did you first become acquainted with her? A: I guess it is about 68 years ago.
Q: Was it before or after the Civil War?
A: It was away before the Civil war.
Q: About what was her age at the time you first knew her?
A: I guess she was some 40 years old then.
Q: How long did you know her from that time on?
A: On until her death.
Q: Did you know her continuously from before the Civil war until she died? A: Yes sir.
Q: Did you see her frequently during that time?
A: Yes sir, every now and then.
Q: Was she ever married? A: Not to say married, I don't know that really.
Q: Well was she a slave? A: Yes sir.
Q: Who was her owner? A: John Taylor.
Q: Do you know whether or not she ever had any children?
A: Not as I know of to my knowledge.
Q: Are you certain she has not had any children since the Civil War? A: Yes sir, she ain't had any.
Q: How do you know she hasn't had any Tobe?
A: We seen her frequently.
Q: Did she stay there in your neighborhood? A: Part of the time and part of the time at Okmulgee and other places.

was two girls to the old at that time.

Q: [illegible] with? A: Well she would stay at [illegible] and old man Cowtom. He is old now if [illegible] Farmer-in-law.

Q: Is John Jefferson still living? A: Yes sir, when I left him.

Q: Where does he live? A: On Cane Creek.

Q: How far from any railroad station? A: I guess 3 or 4 miles from Boynton.

Q: Which direction? A: A little North-west I would say.

Q: Do you know anyone else that knew Tamer Taylor well during her lifetime besides John Jefferson? A: My father Fred Franklin, he is sickly and hardly able to get around, he is old.

Q: Anybody else? A: Joe Howard my brother.

Q: Where does Joe Howard live? A: On the Verdigris.

Q: Near what railroad station? A: I don't know exactly, I wasn't there since that road has been cut through but Tallehassee is his post-office.

Q: Did he know Tamer from the close of the Civil War until she died? A: Yes sir.

Q: Has Tamer any relatives in the Creek Nation.

A: Not a one to my knowledge.

Q: Where did she generally live during her lifetime? Since the Civil War? A: Well she lived in Okmulgee on until her death.

Q: Well did she ever live there in your neighborhood?

A: That is what I said, sometimes she stopped with old man John Jefferson and sometimes with Cowtom.

Q: Whom did she live with in Okmulgee? A: By herself.

Q: Do you know who her neighbors were in Okmulgee, any of them?

A: Yes sir.

Q: Name some of them of them who are living? A: Silas Smith

Q: He lives in Okmulgee, does he? A: Yes sir.

Q: Anybody else? A: Dinah Bruner.

Q: Does Dinah live in Okmulgee? A: Yes sir.

Q: Anybody else, Tobe? A: Fred Seivers.

Q: Anybody else? A: No, I don't think I do.

Q: You are certain that this woman Tamer never had a child during the Civil War? A: Yes sir.

Q: Did you ever hear of her having a child named Harvey?

A: Never has.

Q: Did she ever live down in Texas? A: No sir, not that I know of. I don't believe she ever was in Texas.

Questions by Commissioner:

Q: How old a woman was Tamer when the War broke up.

A: I think she was about 40 years or more then when the war broke out.

Q: Do you know whether Tamer was on the Dunn Roll? A: I am not certain but I think she was.

Q: Is your name on the Dunn Roll? A: That is, mine?---Yes sir, mine is there.

Q: Did you draw the money yourself? A: Yes sir.

Questions by John G. Lieber, acting attorney for Creek Nation.

Q: Do you know where Tamer died, Tena?
A: I am not certain but I think it was in Okmulgee.
Q: Did you attend her funeral? A: No sir.
Q: Do you know about when she died? A: No sir, I do not.

Questions by Commissioner:

Q: About when did she die? A: Really now I am unable to tell you.
Q: Don't you know about when she died? A: Probably around '84 or '85.
Q: About how old a woman was she when she died? A: Well really I don't know but she was an old lady. She might have been some 75 or 80 years old.
Q: Have you any interest in this cause? A: No sir.
Q: How did you happen to come up here to testify?
A: Last Sunday I heard some of them talking about this fellow and they said he was old lady Tamers son, I was talking with Bettie Rector about it and I said I will go up and see about it. I know he is not entitled to enrollment in the Creek Nation and considered my duty to report it to the Commission.

Questions by John G. Lieber, acting attorney for Creek Nation.

Q: You are not after any of this land that this man has allotted to himself or his family, are you? A: No sir, because I have no-one to file on it.

This is all the evidence taken in said cause on said date.

I, Julia C. Laval, on my oath state that the above and fore-going is a true and complete transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before me this 19 day of November, 1906.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
[redacted]

In the matter of the application for the enrollment of [redacted], et-al, as Creek Freedmen.

APPEARANCES: J. P. Farnsworth, appearing for M. L. Mott, attorney for Creek Nation.

JOHN ROBERTS, being first duly sworn by Edward Merrick, a Notary Public, testified as follows, to-wit:

Witness subpoened on behalf of Creek Nation.

Questions by Commissioner:

Q: What is your name? A: John Roberts.
Q: How old are you? A: Well I think I am 62.
Q: What is your post-office address? A: Taft, I. T.
Q: Did you appear here today in response to a subpoena issued by the Commissioner on the part of the Creek Nation to testify in the matter pending? A: Yes sir.
Q: Are you acquainted with one Harvey Patrick? A: Yes sir.
Q: How long have you known him? A: I think, if I mistake not, it has been 6 years.
Q: Do you know the parents of Harvey Patrick? A: No sir.

(It appears from the record of the Commission that in 1904 Harvey Patrick made application for the enrollment of himself and three children, Norman, Valde and Cora Patrick as Creek Freedmen, and at that time he claimed that he was the child of one Tama Taylor, who is identified on the Dunn Roll opposite number 1741.
It further appears that on February 8, 1906, a decision was rendered by the Commission to the Five Civilized Tribes, enrolling said Harvey Patrick and his said children, and that same are now listed on Creek Freedman card following number 1980, opposite numbers 5529, 5530, 5531 and 5532, respectively.)

Q: Did you know Tama Taylor? A: Yes sir, I knowed her well
Q: You knew her well? A: Yes sir.
Q: When did you first know Tama? A: Well now Mister, I must have been about 16 years old, 16 or 17 years old, it has been away back before the war.

Q: Were you well acquainted with her? A: Well acquainted with her.
Q: Did you live in the same neighborhood with Tama? A: I lived about 5 miles on this side of the Canadian River.
Q: Did Tama have a son called Harvey? A: No sir.
Q: Did she ever have any children? A: No sir, not to my knowing.
Q: If Tama had been the mother of Harvey Patrick would you have known it? A: Yes sir, I would have known it, she used to come there to the plantation all the time.
Q: When did Tama die? A: She died----I don't know the date--- but she died it was the week before the Green Peach War.
Q: Is that what is called the Isparetcha War? A: Yes sir, the same thing. She died there at Okmulgee.
Q: Have you ever heard of any person claiming that Harvey Patrick was the child of Tama?
A: Not to my knowing.
Q: You are then absolutely certain that Tama or Tama Taylor had no children? A: She had none.
Q: How old was she when you first knew her?
A: Well she must have been about 50 years old, she was an old woman, grey headed.
Q: About how old was she when she died? A: Well now she must have been between 70 and 80 years old.
Q: Did Tama live in the Creek Nation all her life, from the time you first knew her? A: Yes sir. She was sold to the Creek Nation from Van Buren.
Q: She came from Van Buren, Arkansas, did she?
A: Old man Taylor bought her from Van Buren.
Q: Was that before or after the war? A: Oh that was when I was young, when I was a boy.
Q: Since then and up to the time of her death did she live in the Creek Nation? A: Yes sir.
Q: And during all of this time, you knew her, did you?
A: Yes, I knowed her until she died.
Q: I will ask you now John, that is Harvey Patrick, who states he was about 34 years of age and claimed to be the child of Tama, if that claim is true?
A: No sir.
Q: You are positive of that, are you? A: Yes sir, I am satisfied of that, and I can prove it too.
Q: Then if Harvey Patrick made this claim and statement he has made a claim to something and has sworn to matters that are not true, has he? A: Yes sir.
Q: You know that of your own knowledge? A: Yes sir.
Q: You are certain you can't be mistaken about it? A: No sir. I can prove that Mister.
Q: Can you give the names of some reliable persons who can testify to that fact?
A: John Jefferson, old man John Jefferson ---F. B. Severs and others. Andrew Sullivan, he hauled her to the Creek Nation in an ox wagon.
Q: That is the time she was bought from Van Buren? A: Yes sir

Questions by J. F. Farnsworth, appearing for M. L. Mott, attorney for Creek Nation.

Q: Did this woman ever belong to anybody else besides Taylor in the Creek Nation? A: No sir.
Q: Was John Taylor an Indian? A: No sir, he was a white man, a merchant.
Q: He was a white man, a merchant? A: Yes sir.
Q: And you say she never belonged to anybody else in the Creek Nation besides John Taylor? A: No sir, John Taylor.
Q: Now you stated that she was an old lady about 50 years of age when she was brought to the Creek Nation, is that correct? A: Yes sir she was old.
Q: She was an old lady then? A: Yes sir, about 50, maybe a little over, I can't tell.
Q: But she was an elderly lady then? A: Yes sir.
Q: Then you are not positive that she was only between 70 and 80 years old when she died? A: I think she must have been between 60 and 70.
Q: You were a slave on an adjoining plantation near there?
A: Right across from the Canadian River about 5 miles from John Taylor's place in the Choctaw Nation.
Q: You are not interested in getting Harvey Patrick off the roll or his children, are you?
A: No sir, the truth is right and I came to testify to just what I know, I am satisfied that he is no citizen.
Q: Are you a freedman citizen of the Creek Nation? A: Yes sir
Q: Does your deed say John Roberts? A: Yes sir.
Q: What do they call you most of the time? A: John Cat.

By Commissioner:

The record in this case shows that the claimant, Harvey Patrick claims to be the son of Peter Harrison.

Questions by Commissioner:

Q: Now John do you know Peter Harrison? A: Yes sir.
Q: State to the Commissioner whether Peter Harrison and Tama Taylor ever lived together? A: Never has, Mister.
Q: You know that to be a fact? A: Yes sir.
Q: Did you ever hear Peter Harrison say that he had a boy by the name of Harvey? A: No sir.
Q: Are you well acquainted with Peter Harrison? A: Yes sir.
Q: Do you know where Harvey Patrick came to when he first came to the territory?
A: He told me he came from Guthrie, Oklahoma.
Q: Did he ever state to you that his mother's name was Tama Taylor? A: Yes he told me that just a short time before he filed and I told him that if he claimed Tama Taylor is his mother, he had better look out, for I know that Tama Taylor never had a child, and since that he has never said anything to me more about the matter.
Q: Do you know with whom he stayed when he first came from Oklahoma? A: Stayed right there with me.
Q: In your yard? A: Yes sir, right in my yard until he moved off, there was some three families of them.

This is all the evidence given in said cause on said date.

Julia C. Laval, being duly sworn , on her oath states that as stenographer to the Commissioner to the Five Civilized Tribes she reported the proceedings had in the above entitled cause, on January 9, 1907, and that the above and foregoing is a true and correct transcript of her stenographic notes as taken by her in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me this 11 day of January, 1907.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, January 12, 1907.

Cr.F.5529 to 58
Mn.480.

In the matter of the enrollment of Harvey Patrick, et al. as Creek freedmen; Creek freedmen roll numbers 5529 to 58 inclusive.

APPEARANCES: J.F.Farnsworth for N.L.Mott atty. for Creek Nation.

DINAH BRUNER being duly sworn by N.G.Haines a notary public testified as follows;

Q What is your name? A Dinah Bruner.
Q What is your age? A I don't know my age.
Q About 65 or 70? A I don't know my age at all.(Witness appears to be about 60).
Q What is your post office address? A Okmulgee.
Q Are you a citizen of the Creek Nation? A Yes, sir by birth.
Q How long have you lived in the Creek Nation? A Born and raised here.
Q Were you acquainted with one Tamer, some times called Tamer Taylor? A Yes, I knew her when I was quite a kid.
Q When did you first know Tamer? A I can't tell you the day or year but I remember that I knew her when I was quite a kid.
Q Was it before the Civil War? A Yes right before the freedom war.
Q Were you acquainted with Tamer from that time up to the time of her death? A Yes, sir.
Q How many years since Tamer died? A I don't know exactly how long it has been. No I will tell you the truth I don't know how long it has been; I think it has been either 4, or 5 or 6 years may be over that.
Q You are certain she is dead? A I was with her when she died.
Q Was Tamer the slave of any one? A She claimed she belonged to a man by the name of Taylor, a white man, living at North Fork.
Q Did Tamer have any children? A No she never claimed she had any children.
Q If she had had a child born to her since the War, you would have known it wouldn't you? A Yes, sir; she never had a child from the time I knew her, or talked about having one.
Q If she had had a child born since the war would you have known it? A Yes, sir.
Q The reason you would have known it was because you lived near? A Yes, sir when she moved from North Fork she kept a boarding house and we was right close.
Q Do you know a person named Harvey Patrick? A No, sir.
Q Now Harvey Patrick has appeared before this office in the matter of his application and that of his children for enrollment as Creek freedmen and claimed that he was a child of Tamer or Tamer Taylor, is that claim true? A I don't know anything about that man. Aunt Tamer never did speak one time to me that she had a child off some where; she never said so.
Q Now Dinah this Harvey Patrick claims to be about 38 years of age and of course was born after that War and after the time you claim you knew Tamer, now could it be that she had this child and you not know it? A No, sir; she never had a child I am satisfied she didn't; she never did have a child; she didn't know nothing about having a child; as long as I knew her I tell you she never did birth a child.

Atty. for Creek Nation.

Q You are not related to Tamer Taylor are you? A No, sir; she didn't have any relation in the Territory.
Q You say that her [illegible] in the Creek Nation as a white man? A Old man Taylor, I never saw him but that is what she claimed [illegible] went by [illegible].
Q [illegible] was a [illegible] of Peter Harrison, an Indian? [illegible] Peter [illegible]
Q Did he ever live with Tamer [illegible] not as I know of; he used to [illegible] about [illegible] of [illegible].
Q You don't think he ever lived with Tamer Taylor? A No Tamer lived with a white man by the name of Jim something, I forget his surname; he run a butcher shop in Okmulgee; she lived with him until he went north.
Q The whole time she lived there and run a kind of eating house she lived with this white man; she never fooled with any Indian or colored man.—Jim Phillips was his name.

Commissioner.

Q She was just working for Jim? A She was cooking for him and living with him.
Q In all your acquaintance Dinah with Tamer from the first time you knew her until her death she never mentioned to you did she about having a child? A No, sir; No, sir; in all our talk together she never named that she had a child away from her and I believe aunt Tamer never did have a child.

Atty.

Q Was Aunt Tamer older than you? A A great deal older than me; she was an old woman when I was a child; she was a gray haired woman when I first knew her and I was a kid.

Commissioner.

Q You appeared before the Commissioner today in answer to a subpoena that was served on you by the Creek Nation, didn't you? A George Davidson here was up at Okmulgee.
Q And a subpoena was served on you? A Yes at Okmulgee to report to the Dawes Commission this morning.

I, Anna Carrigan, on oath state that the above and foregoing is a true and correct copy of my stenographic notes as taken in said cause on said date.

Anna Gerrigan

Subscribed and sworn to before me this 14 day of January 1907.

Edward Merrick
Notary Public.

No. 490

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY,
JANUARY 30, 1901.

In the matter of the application for the enrollment of Harvey Patrick, et-al as Creek Freedmen.

APPEARANCES: J. P. Farnsworth, representing M. L. Mott, attorney for Creek Nation.

Andrew Sullivan, being first duly sworn by Edward Merrick, a Notary Public, testified as follows:

Questions by J. P. Farnsworth, representing Creek Attorney.

Q: What is your name? A: Andrew Sullivan.
Q: What is your age? A: My age, I don't know exactly so well to tell it exactly what time, but I am about 58.
Q: What is your post-office address? A: Okmulgee.
Q: Are you a citizen of the Creek Nation? A: I think so.
Q: Well are you on the rolls? A: Yes sir, I guess so, I got my land.
Q: How long have you lived in the Creek Nation? A: Bred and born there. In Alabama and from Alabama here in Arkansas.
Q: Did you ever know a person by the name of Tamer?
A: Yes, I think I do. I hauled her from Van Buren, Arkansas when old man Taylor bought her.
Q: You hauled her here from Van Buren, did you? A: Yes sir.
Q: When was that? A: Oh Mister, that was about 30 or 40 years before the war-- the Civil war.
Q: Where did you bring her when you brought her into the Creek Nation? A: I brought her from Van Buren to above Eufaula about 12 or 13 miles, they used to call it North Fork, but we call it Eufaula and old man John Taylor was a young man.
Q: You took her to John Taylor's place did you? A: Yes sir.
Q: How long did she remain on John Taylor's place?
A: She lived with John Taylor until this last Civil war and I lived about 3 miles from her until about the time the Civil war got her.
Q: How old a woman was Tamer when you brought her from Arkansas? A: She seemed to be 20 some odd years but I don't know exactly. She seemed to be that, I am not certain
Q: Where did Tamer live after she left Taylor's place?
A: Her and Taylor both moved to Fort Gibson, then when the Union soldiers came through they moved to Fort Gibson, and then Mr. Taylor clerked in the Commissary department and he died there and Tamer she moved up to Okmulgee, I believe she died up there, I wasn't there when she died but she died there.

Q: Well then from the time you hauled Tamer from Arkansas into the Creek Nation, did you know her continuously until the time of her death? A: Yes sir, she lived within 3 or 4 miles of me.

Q: What name did Tamer go by after the Civil War? What was she called? A: She was just called Taylor's Tamer.

Q: Was she called Taylor's Tamer or Tamer Taylor? What did you say her name was after the Civil War?

A: Taylor's Tamer, the name old Jesse, she went by when he bought her and she went by that name until she died.

Q: Did Tamer Taylor ever have a child? A: Yes sir. After they bought that colored woman, well about 20 years I suppose, between 20 and 25 years, I don't know exactly, John Taylor married an Indian Lady by the name of Polly Brinton, that was her name until she married, then it was Polly Taylor, he had a boy by her, a good stout boy and that boy grew up and then Taylor gave that colored woman to his son, named after him and he died in the Army, that boy did.

Q: Did Tamer Taylor ever have a child of her own? A: No sir, not that I knew of, never had any since I knew her and I knew her over 50 years.

Q: If Tamer Taylor had had a child would you have known it?

A: Yes sir.

Q: If Taylor's Tamer would have had a child, would you have known that she had a child? A: I would have seen the child if she had one, I lived 3 miles from her and would go there and trade all the time, every week you might say, the Master kept a big store and we bought sugar and flour, most every day, I could find you another man and he would tell you the same thing, we were all neighbors together.

Q: How long has it been since you saw Tamer?

A: Well, it has been, let me see---About the smallpox time, she died with the small-pox, if I am not mistaken but it has been about 30 years since I seen Her, I don't know exactly but it is since that, she know me and hallooed to me before I knew her. You see I was working for Patsy and and she had a sick sister, all her knee was swelled up, and she got me to haul her to a doctor on the other side of Wewoka, and when I got to Okmulgee she knew me, I never had saw her for 3 or 4 years and she hollered to me and I stopped and I knew it was her, you see we was old acquaintances before the war.

Q: Do you mean to say that the last time you saw Tamer Taylor was 30 years ago? A: Let me see---No, it ain't been that long, but I knew her good, I could count the years too and can tell you exactly.

Q: After the Civil War did you see her frequently?

A: Well you see she lived at Okmulgee and I lived here in Muskogee, but I would hear from her, and when I am traveling with freight and hauling, I would see her and stop there with her. We was old acquaintances during the war, I lived here in Muskogee.

Q: How old a woman was she at the close of the Civil war?

A: I couldn't tell you.

Q: Was she an old lady then? A: She was a settled woman. At the close of the Civil war I was over 20 years old and she was about my age. I had two grown boys in the army.

Q: You were subpoenaed by a representative of the Creek Nation to appear before the Dawes Commission today, were you not?

A: Yes sir.

Q: You have no interest in this case whatever, have you?

A: No sir, not a bit. I know nothing to do with it.
Q: Do you know positively that Esmer Taylor never had a child of her own? A: No sir, she never had a child of her own that I know of.

This is all the evidence taken in said cause on said date.

Julia C. Laval, on her oath states that as Stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on January 30, 1907, and that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said cause on said date.

Julia C. Laval

Subscribed and sworn to before me this 8 day of February, 1907.

Oliver C. Hinkle
Notary Public.

Ent 480.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY.
FEBRUARY 1, 1907.

In the matter of the application for the enrollment of Harvey Patrick, et al, as Creek freedmen.

APPEARANCES: J. P. Farnsworth, representing H. L. Mott, attorney for Creek Nation.

PARO BRUNER, being first duly sworn by Henry C. Maine, a Notary Public, testified as follows, to-wit:-

Questions by Commissioner:

Q: What is your name? A: Paro Bruner.
Q: How old are you? A: I am in my 80's, how much I couldn't tell.
Q: What is your post-office address? A: Paro, I. T.
Q: Do you know, Uncle Paro, an old lady by the name of Tamer Taylor? A: Indeed I do.
Q: Did you know her before the war?
A: Yes sir, she came a town fellow citizen with me and died a town fellow citizen of Canadian town.
Q: When did she die? A: That I couldn't tell and tell the truth.
Q: Was it some short time after the Civil War? A: It was away afterwards, it ain't been more than 8 or 10 years since she died.
Q: Could she have had a child after the Civil War?
A: Oh no, couldn't. Too old for the business.
Q: How old was this woman at the close of the war?
A: The old woman she was older than me, she was 75 or 80 when she died.
Q: Could she have had a child after the Civil war? A: No sir.
Q: She didn't have a child born to her then in the last 35 or 40 years? A: Well she ain't had a child born to her since 1865, about then I got friends with her.
Q: You knew her ever since that time until she died?
A: Yes sir, until she died.
Q: Did you ever hear of a man by the name of Harvey Patrick?
A: No sir, I don't know such a man.
Q: He is a man around 40 years of age---if he claims that he is the son of Tamer Taylor, he states something that is not true, don't he? A: Well if he claims he is the son of Tamer Taylor, it is something I don't know nothing about.
Q: Well if he is a man of less than 45 years of age, he could-not be her son, from what you know of her, could he?
A: It don't look like he could, it has been years since I knew that old woman.

[illegible] by Mr. M. Farnsworth, representing E. L. Mott, Attorney for Creek Nation.

Q: Well is she had had a child born to her since coming to the Creek Nation, don't you think you would have known it?
A: Nothing would [illegible] to hinder me in knowing this. George Tayler [illegible] for the chief of the Creek Nation and Tamer [illegible] and run a trading house, he did, and I [illegible], every time I went over to the store.
Q: And you are satisfied that she never had a child since she had been in the Creek Nation? A: I am satisfied. And many more can tell you. You can send for John Rentie, you can send for John Jefferson, and many others, and you might even send for Judge J. C. Reed. You can call old woman Dilla Franklin she is up to the old agency.
Q: You are satisfied that Tamer Tayler never had a child?
A: Not since she lived in the Creek Nation. I am satisfied of that.
Q: Well she didn't bring any with her from the Arkansaw did she? A: No one as I seen, nor even heard of any that she left on this side. She didn't leave one since she is 60 years old or more.

This is all the evidence given in said cause on said date.

Julia C. Laval, being first duly sworn states that as Stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on February 1, 1907 and that the above and foregoing is a true and correct transcript of her stenographic notes as taken by her in said cause on said date.

Julia C. Laval.

Subscribed and sworn to before me this 4 day of February, 1907.

Oliver C. Hunkle
Notary Public.

Cr.Rm. 460. 301

Muskogee, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

The records in the possession of this office show that on February 3, 1906, decision was rendered by the Commission to the Five Civilized Tribes granting the application for the enrollment of Harvey Patrick and his three children Norman, Valdo and Cora Patrick as Creek freedmen; that the names of said applicants were placed upon a partial schedule of Creek freedmen which was approved by the Secretary of the Interior April 6, 1906; that on April 17, 1906, citizenship certificate was issued for said persons and allotments of land made to them; that deeds covering said allotments were issued and filed for record on October 3, 1906, which said deeds were on a later date placed in the hands of the Chief of the Creek Nation for delivery.

Subsequent to the recording and delivery of said deeds, information reaching this office that said applicants were not entitled to enrollment for the reason that they were not descendants of one Tama Taylor, whose name appears on the Dunn roll of Creek Freedmen and through whom applicants claimed

right to enrollment, testimony was taken in the matter of their right to enrollment on the following dates: January 28 and November 18, 1906, January 9, January 12, January 30 and February 1, 1907. In the later proceedings had in this matter said applicants were not represented in person or by attorney, and although an endeavor was made by letter on February 12, 1907, to secure the testimony of said Harvey Patrick, the principal applicant, he has failed to appear or furnish any evidence.

I am of the opinion that the testimony taken in said later proceedings clearly establishes the fact that citizenship rights in the Creek Nation were fraudulently secured by said applicants, and although the usual notices have not been given to the applicants, nevertheless in view of the fact that the principal applicant has been notified to appear and testify and has failed to do so, and that the case is clear, I respectfully recommend that authority be granted for the striking of the names of Harvey Patrick, Norman Patrick, Valdo Patrick, and Cora Patrick from the approved roll of Creek freedmen, opposite numbers 5529, 5530, 5531 and 5532, respectively.

I would further recommend that inasmuch as deeds covering allotment selections to said persons have been recorded and delivered this matter be referred to the Department

of Justice, to the end that proper steps may be taken looking to the cancellation of said deeds, and also that punishment may be meted out to the person or persons guilty of fraud in this matter.

It appears from the records of this office that under the provisions of the Act of Congress approved April 26, 1906, (34 Stats.L.137) application was made for the enrollment of Royce Patrick, Loyce Patrick and Vennetta Patrick, minor children of said Harvey Patrick, as Creek freedmen; that said names were listed upon a partial schedule of new born Creek freedmen opposite numbers 259, 260 and 261 respectively, and that said schedule is now in the hands of the Department, this office having received no information of its approval. The said latter named applicants having no more right to citizenship than has their father, it is suggested that the Department upon arriving at a decision in the matter of the right to enrollment of said Harvey Patrick and his said children, whose names appear upon the approved Creek roll, also take action looking to the disapproval of the partial schedule upon which appears the names of Royce, Loyce and Vennetta Patrick, or the striking of said names from said schedule.

The entire record in the case is transmitted herewith.

Very respectfully,

(Signed) Rame Bixby,

Commissioner.

Through the Commissioner
of Indian Affairs.

Inc.JCL-26-1.

Cr.En. 1238.
Cr.En. 480.

Muskogee, Indian Territory, March 14, 1907.

Chief Clerk,
Creek Land Office,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of March 4, 1907, the names of Harvey Patrick, Norman, Valde and Cora Patrick, and Vennetta, Royce and Loyce Patrick, have been stricken from the approved roll of Creek freedmen opposite numbers 5529, 5530, 5531 and 5532, respectively.

Respectfully,

(Signed) Tams Bixby,
Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FEB.

I.T.D. 18484-1907.
D.C. 19945-1907.

April 8, 1907.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a letter from the Department of Justice, dated April 2, 1907, acknowledging receipt of departmental letter transmitting copies of four communications from you recommending that steps be taken looking to the cancellation of the deeds issued by the Principal Chief of the Creek Nation to Hekte Larney et al., Harvey Patrick et al., Tarshego Harjo, and Chester Hawkins et al, stating that the papers have been referred to the United States Attorney for the western district of Indian Territory for appropriate action.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

E 116 480

[redacted]

Muskogee, Oklahoma, September 6, 1909

The Attorney General,

Washington, D. C.

Sir:

I am returning you herewith the office files in the matter of the cancellation of patent issued to Harvey Patrick and his three children, Norman, Valdo and Cora Patrick, Creek freedmen.

The enrollment of Harvey Patrick and his three children was approved by the Secretary of the Interior on April 16, 1905. Thereafter lands in the Creek Nation were allotted to each of these four allottees and patents therefor issued and delivered. On March 4, 1907, after a hearing had and taking of testimony, Harvey Patrick and his three children were stricken from the roll and the Honorable Wm. M. Mellette, then the United States Attorney for the western district of Indian Territory, was directed to institute suit looking to the cancellation of such patents, and on July 10, 1907, a bill in equity was filed by Mr. Mellette in each of these four cases, and the cancellation of the homestead and surplus patent issued to each of these four allottees prayed for. No service of subpoena was made in any of these cases. With the advent of statehood, these suits were lodged in the district court of Creek County at Sapulpa, and subsequently removed therefrom by application from this

office to the United States district court for the eastern district of Oklahoma, where said suits are now pending.

This office has caused a careful investigation to be made of these matters and in so doing, procured abstracts of title for the land or the respective pieces of land - except - ing that of Patrick - and finds that prior to the institution of these suits by Mr. Millette, the allottees had undertaken an alienation of their interest in the land and that the same are now held by alleged innocent purchasers.

Of course, this is a matter of proof, which perhaps only a trial of these cases upon their merits would accurately disclose. I beg to call the Department's attention to the fact that no notice whatever was served upon Harvey Patrick or any of his three children of the hearing had before their names were stricken from the Creek roll. Your attention is invited to the letter of the Honorable Tams Bixby, Commissioner to the Five Civilized Tribes, under date of February 26, 1907, on page 2 of which he says:

"In the later testimony had in this matter, said applicants were not represented in person or by attorney, and although an endeavor was made by letter of February 12, 1907, to secure the testimony of said Harvey Patrick, the principal applicant, he has failed to appear or furnish any evidence.

I am of the opinion that the testimony taken in said later proceedings clearly establishes the fact that citizenship rights in the Creek Nation were fraudently secured by said applicant, and although the usual notices have notbeen given

to the applicants, nevertheless in view of the fact that the principal applicant has been invited to appear and testify and has failed to do so, and that the case is clear, I respectfully recommend that authority be granted for the striking of the name of Harvey Patrick, Norman Patrick, Valde Patrick and Cora Patrick from the approved roll of Creek Freedman."

From the foregoing, it would appear that the only attempt at notice given Harvey Patrick was contained in the letter requesting him to appear and give testimony. There is no record that he was given any notice whatever of the purpose of the hearing or that it was such a hearing as would affect his status as an enrolled Creek freedman. There is nothing of record to disclose whether or not the letter was ever received by Harvey Patrick, and if such letter had been received, in my judgment, it would not be such notice as would meet the requirements of the law. So far as the other applicants, Norman Patrick, Valdo Patrick and Cora Patrick, there is nothing to show that any attempt was made to give them any notice whatsoever of the hearing, but that their names were arbitrarily stricken from the rolls without notice.

In my opinion, these suits to set aside these patents cannot be successfully maintained and ought to be dismissed. Especially is this true, in view of the fact that we have been unable to meet the contentions of the alleged innocent purchasers.

-4-

awaiting your further request, I am,

Very Respectfully,

John B. Rogers,

Assistant United States Attorney.

COPY

AAR
ASC-CK
FMB

DEPARTMENT OF JUSTICE,
WASHINGTON.

A.B. R-S
105710-09

September 13, 1909.

The Honorable

The Secretary of the Interior.

Sir:

The United States Attorney for the eastern district of Oklahoma, under date of September 6, 1909, recommends the dismissal of certain cases now pending in his district entitled:

U. S. on behalf of the Creek Nation of Indians,
v. Harvey Patrick;
Same v. Norman Patrick;
Same v. Valdo Patrick;
Same v. Cora Patrick.

The papers in these cases are herewith returned to your Department, together with a copy of the United States Attorney's letter, for such recommendation and suggestions as you may wish to make in the premises.

Very respectfully,

Wade H. Ellis

Indls. 17162

Acting Attorney General.

(COPY) -Copy

E.K.
HCL-AMB
HCL

105940-SO

DEPARTMENT OF JUSTICE,
WASHINGTON.

AAG.

October 7, 1909.

The Secretary of the Interior.

Sir:

This Department duly received your letter of October 2, 1909, (WSA,JWH), in which you concur in the recommendation of the Assistant United States Attorney for the Eastern District of Oklahoma that certain cases pending in his district, to-wit: U. S. on behalf of the Creek Nation of Indians v. Harvey Patrick; same v. Norman Patrick; same v. Valdo Patrick; same v. Cora Patrick, be discontinued, and instructions have been issued accordingly to the United States Attorney for the said district.

The papers inclosed with your said letter of October 2, are herewith returned in accordance with your request.

Very respectfully,

Charles W. Russell,
Acting Attorney General.

Inclosure
#16653

COPY.

54670.

Land.
Allotments
77145-1909
80484-1909
J-E-D

Washington, October 18, 1909.

Suits against Harvey Patrick, et al., to cancel allotment deeds.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Referring to Department letter of August 2, 1909, (a copy of which was mailed to you) in which the Department declined to take any action in the matter of restoring Harvey Patrick, et al. to the final approved rolls of Creek Freedmen pending a decision in the Supreme Court of the United States in the case of Lillie Lowe, et al., you are further advised that the Acting Attorney General on the recommendation of the Department has instructed the United States Attorney for the Eastern District of Oklahoma to take steps to discontinue certain suits brought by the United States on behalf of the Creek Nation against Harvey, Valdo, Norman, and Cora Patrick for the cancellation of allotment deeds.

A copy of the correspondence with the Department of Justice relative to discontinuing these suits is inclosed for your further information.

Very respectfully,
C. F. Hauke,
Chief Clerk.

JC-15
5214

COMMISSIONER TO FIVE TRIBES No. 1476, Recd. Oct. 22, 1909.

Muskogee, Oklahoma, November 1, 1909.

Mr. Harvey Patrick,
Taft, Oklahoma.

Sir:

There is herewith inclosed for your information a copy of Departmental letter of October 2, 1909, wherein it appears that the suit which was instituted in the Supreme Court of the District of Columbia on behalf of yourself and children, Norman, Valdo, Cora, Vennetta, Loyce and Royce Patrick, to compel the Secretary of the Interior to restore your name and the names of your said children to the approved roll of Creek Freedmen has been dismissed on application of your attorney, and that he will present the matter to the Department, hoping to secure favorable action by it without further litigation.

The Department directs that no further action be taken in the matter pending the decision of the Supreme Court of the United States in the case of Lucy Turner et al, and in accordance with such instructions no further action

[illegible] this matter is now [illegible] said children until the Department has passed upon the application submitted to it by your attorney.

You are advised that as soon as the Department takes definite action in this matter you will be promptly advised thereof.

Respectfully,

WHA(MPS)
Incl.1-1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MAY 3, 1904.

In the matter of the application for the enrollment of Lila Adams as a Creek freedman.

Lila Adams, being duly sworn, testified as follows through Alsek Posey, official interpreter:

Examination by the Commission:

Q What is your name? A Lila Adams.
Q How old are you? A (No answer).

(She appears to be about fifty years old.)

Q What is your post office address? A Choska.
Q Do you make application for enrollment as a Creek freedman? A Yes sir.
Q Have you ever drawn any money from the Creek Nation? A Yes sir.
Q Did you draw the $29 and the $14.40 payments? A Yes sir.
Q You have some Creek blood, have you? A Yes sir.
Q What Creek town did you first belong to? A Arbeka.
Q Was there anyone in your family by the name of Wilson? A Brother.
Q Is Vepsey Jameson your sister? A Yes sir.
Q Was there anyone in your family by the name of Harriage? A She's my mother.
Q What was her name? A It was Harriet.
Q What kin was Harriet to you? A My daughter.
Q Is Harriet living? A Yes sir.
Q What is her name now? A She's the wife of Joe Scott.
Q Is Joe Scott a freedman? A Yes sir.
Q Is Wilson dead? A Yes sir.
Q How long has he been dead? A Immediately after the $29 payment.
Q Have you a child named Henrietta? A No sir.
Q What is the name of your child that is next older than Raford? A Joseph.
Q Give me the names of all your children. A Joseph Lewis; Harriet Lewis; Susie Lewis; Raford Lewis.
Q Have you any children that are dead? A Yes sir, Asa and Anna.

The 1890 authenticated tribal roll of the Creek Nation examined and the applicant identified thereon at page 10, Arbeka town, as Lilie. The 1895 pay roll of the Creek Nation examined and the applicant identified thereon at #1279, Arkansas town, as Lila Lewis.

Q How long has your daughter, Harriet, been married? A One year.
Q How long have you lived in the Creek Nation? A Born and raised
there.
Q Lived there all your life? A Yes sir.
Q Did Harriet live with you until she married? A Yes sir.

****

Henry G. Maine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 3, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Maine

Subscribed and sworn to before me this 4 day of May, 1904.

Charles H. Sawyer
Notary Public.

No. 402.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lila Adams as a Creek freedman.

D E C I S I O N.

The record in this case shows that on May 5, 1904, Lila Adams appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek freedman.

The evidence shows that said Lila Adams is identified on the 1890 authenticated tribal roll and the 1898 pay roll of the Creek Nation, and that she has resided in said nation all her life.

It is, therefore, the opinion of the Commission that said Lila Adams should be enrolled as a Creek freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861); and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE,
INDIAN TERRITORY,
MAY 24 1904

Creek No. 481

Muskogee, Indian Territory, May 25, 1904.

M. J. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Lila Adams for enrollment as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Lila Adams will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

MGM-5-25.

Ft Card 1493

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MAY 16, 1904.

In the matter of the application for the enrollment of Jenetta Johnson as a Creek freedman.

Lou King being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lou King.
Q How old are you? A Twenty-five.
Q What is your post office address? A Grayson.
Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission examined and it is found that Lou King is regularly listed for enrollment on Creek Freedman card Field #1487, roll No. 4877.

Q For whom do you desire to make application for enrollment? A For Jenetta Johnson.
Q What relation was she to you? A Sister.
Q What was the name of her father? A George Johnson.
Q What was the name of hermother? A Clora Johnson.
Q Did they at one time go by the name of Benjamin? A I guess so.
Q Was Jenetta a full sister of yours? A Yes sir.
Q Same father and same mother? A Yes sir.

Records of the Commission show that the parents of Lou King are given on her card as George Benjamin and Chloe Benjamin; said Chloe Benjamin has been identified on the roll of Creek freedmen made by J.W.Dunn prior to March 14, 1867, at #22 as Chloe Dyle.

Q Is Jenetta Johnson living? A No sir.
Q When did she die? A 1898.
Q What month? A November 15th.
Q How old was she when she died? A 17 years old.
Q Have you a record of the date of her death? A Nothing only an almanac; it is on her tombstone.
Q Where is she buried? A On Creasy Bruner's place; Wolf Creek.
Q Who preached her funeral? A Cate Love; he is dead.
Q Who was present at her funeral besides yourself? A Mose and Creasy and Jesse Bruner and a whole lot.
Q Did you have a doctor in attendance at her last illness? A Doctor Crewel or Crowel.

Q Where is he now? A I don't know; he stayed at Seneca at that time.
Q Do you know whether he is living? A I don't know; he moved away and went to Oklahoma and I don't know where he is at now.
Q Is the date of her death written on that stone at her grave? A [illegible] I think it is.
Q Who wrote it on there? A Pat; there was an Irishman working around the country.
Q How large a stone is it at the grave? A About 2 ft. high; 1-1/2 wide.
Q You state that your sister, Jenetta Johnson died in November, 1898 A Yes sir.
Q You are positive of that, are you? A Yes sir.
Q How long has it been since you have been to her grave or have looked at the record--? A I never looked at it close; I can't read nor write.
Q Do you remember when people began to file on their land? A Yes sir, I kinf of remember; it was 1899.
Q How long had Jenetta been dead when people began to file? A She died in 1898.
Q Had any people down in your section of the country filed at that time? A I can't tell you exactly; cause it was a good while after they was filing before they would believe in it; most of our people filed in 1900.

Excused and Moses King called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Moses King.
Q How old are you? A About 51.
Q What is your post office address? A Grayson.
Q Are you a citizen of the Creek Nation? A No sir, United States.
Q Do you know Lou King? A Yes sir.
Q Is she your wife? A Yes sir.
Q Did you know her sister, Jenetta? A No sir, I didn't meet her.
Q Have you ever been to the place where she is buried? A Yes sir, I have been to the graveyard she is deposited.
Q Who told you where her grave is? A Her auntie and my wife and Mose Grayson's wife.
Q Is there a stone slab on the grave? A Not exactly on the grave; but its there to the side like.
Q Is there anything written on it? A Yes sir.
Q State what it is. A The name of Jenetta Johnson is written on it; died in November 18th I think 1900-- I di remember the year; I know its November.
Q You can't remember the year then? A No sir.

Excused and Lou King recalled:

By the Commission:

Q Did Jenetta Johnson ever draw any money from the Creek Nation?
A Yes sir.
Q What payment did she draw? A She drew the $2? payment when she

stayed with Jesse Bruner, and the $14 when she stayed with Mose Grayson.

The 1890 authenticated tribal roll of the Creek Nation examined and on page 185, written in pencil, immediately following the family of Greasy Bruner are found the names, John Bruner, Louis Bruner, Jennatta Bruner, Lular Misbie, Jennatta (surname not legible). All of these names are inclosed in a bracket and the word "omitted" written after.

The 1895 payroll of the Creek Nation, North Fork town examined and at #181 in the family of Mose Grayson is found Nattie Grayson.

Q Did Jenetta ever have a nickname? A Nothing but Nattie.
Q Was she married? A No sir.
Q Had she ever been? A No sir.
Q Where was Jenetta born? A I can't tell you that.
Q Was she elder or younger than you? A She was younger; she was next to me.
Q Did she ever live outside the Creek Nation? A No sir.
Q Where did she die? A Over there in Mose Grayson's house
Q That was in the Creek Nation, was it? A Yes sir!

##########

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 10, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 12" day of May, 1904.

Charles H. Sawyer
Notary Public.

[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jenetta Johnson, deceased, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on May 10, 1904, Lou King appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased sister, Jenetta Johnson, as a Creek freedman.

The evidence shows that said Jenetta Johnson died prior to April 1, 1899.

It is the opinion of the Commission that there is no authority of law for the enrollment of said Jenetta Johnson, deceased, as a Creek freedman, and that the application for her enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

July 12, 1904

8815

No. 488.

Muskogee, Indian Territory, July 13, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jenetta Johnson, deceased, as a Creek freedman.

The decision with a copy of the proceedings had in this case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

HGW-14-13.

Muskogee, Indian Territory, July 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Lou King for the enrollment of her deceased sister, Jenetta Johnson, as a Creek freedman, including the decision of the Commission, dated July 12, 1904, denying said application.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

HON-13-13.

Enroll. 482.

Muskogee, Indian Territory, July 13, 1904.

Lou King,

Grayson, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your deceased sister, Jenetta Johnson, as a Creek freedman.

The decision with a copy of the proceedings had in the same is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

HGW-13-13.

Recruiter

Land:

48154-1904.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

Washington October 6, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 13, 1904, transmitting the record of the application for the enrollment of Jenetta Johnson, deceased as a Creek freedman.

July 12, 1904, the Commission decided adversely to the application.

The record shows that Jenetta Johnson died prior to April 1,1899.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

A C.Tonner

Acting Commissioner.

M.M.M

W.

DEPARTMENT OF THE INTERIOR

I.T.D.9778-1904 WASHINGTON THE J.P
L.R.S.

October 15, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

July 13, 1904, you transmitted the record in the matter of the application of Lou King for the enrollment of her deceased sister, Jenetta Johnson, as a Creek freedman, including your decision of July 12, 1904, denying said application.

Reporting in the matter October 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

1 inclosure.

Mn.-488

Muskogee, Indian Territory, October 25, 1904.

Lou King,

Grayson, Indian Territory,

Madam:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 12, 1904, denying your application for the enrollment of your deceased sister Jenetta Johnson as a Creek freedman.

Respectfully,

Chairman.

Registered.

No.402.

Muskogee, Indian Territory, October 26, 1904.

M.L.Mott,

Attorney, Creek Nation,

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 12, 1904, denying the application of Lou King for the enrollment of her deceased sister Jennette Johnson as a Creek freedman.

Respectfully,

Chairman.

[redacted] COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MAY 10, 1906.

In the matter of the application for the enrollment [redacted] Byrd as a Creek freedman.

Appearances: R.P.DeGraffenreid, att'y for applicant.

Martha Byrd being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Martha Byrd.
Q How old are you? A Twenty-one.
Q What is your post-office address? A Grayson.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q A Creek freedman? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Samuel Byrd.

The records of the Commission show that Martha Byrd is regularly enrolled on Creek freedman card #1819, approved roll No. 6305.

Q For whom do you desire to make application for enrollment?
A Willie Byrd.
Q Was he a child of yours? A Yes sir.
Q Is he living? A No sir.
Q When did he die? A June 15th.
Q What year? A 1901.
Q How old was he when he died? A A little over 2 months old.
Q When was he born? A April 6th.
Q Did you make a record of the date of his birth and death? A --
Q Did you write it down in a book anywhere? A No sir.
Q Who was in attendance at the time of the birth of Willie Byrd?
A Hettie [redacted].
Q Is Hettie Hammond living? A Yes sir.
Q What is her post office address? A Grayson, I.T.
Q Is she a citizen of the Creek Nation? A No sir.
Q Did you have a doctor in attendance when Willie died? A No sir.
Q Where is he buried? A At Friendship graveyard.
Q Where is that? A East of Grayson.
Q How far? A About half a mile.
Q Who is the first person that visited you after the child was born?
A Lourena Williams.
Q Is she living? A Yes sir.
Q What is her post office address? A Near Muskogee.

Q [illegible] born [illegible] A [illegible] she would be here [illegible]
[illegible] else [illegible] A Josie Edwards.
A [illegible] child was [illegible] before [illegible]
[illegible] A About 2 days; Lurena Williams was there the [illegible]
Q Did you have the funeral of Willie preached? A No sir.
Q Did you have a funeral at all? A No sir.
Q Who dug the grave? A Tom Kemp and Jesse Scott.
Q Are they living? A Yes sir.
Q What are their post offices? A Grayson.
Q Did you buy a coffin for Willie? A No sir.
Q Who made it? A Pete Smith; he is dead.
Q Who else was in attendance when you buried the child except yourself and husband? A My kin folks and church members; I don't know.
Q Name some of them. A Lurena Hawkins or Lurena Williams.
Q Who keeps the record of that church out there? A Josie Edwards.
Q She keeps the books, does she? A Yes sir.
Q Did she write down the date when Willie died? A No sir, they don't do that.
Q Can you read and write? A A little bit.
Q Did you write down the dates of the birth and death of Willie?
A No sir, I have no family bible and didn't put it down.
Q How long has Willie been dead? A Its over two years-(prompted--over three years.)
Q Did any of your neighbors out there have a child born or that died about the time that your child was born? A Not as I know of.
Q Did any of them die about the time that child was born? ANo sir.
Q Did any of them have a child born or died about the same time your child died? A I don't know.
Q Any of your brothers or sisters have a child born about that time? A No sir.
Q What time of the year was it when Willie was born? A April.
Q Was it Spring or Summer? A Spring.
Q How high was the cotton? A Cotton was no high;it was not planted just some of the people had cotton planted.
Q How high was cotton when he died? A Pretty near knee high; some of it.

Examin tion by Mr. DeGraffenreid:

Q How many children have you living now? A Two.
Q The one that's dead was born in April 6th, 1901? A Yes sir.
Q When was the next one born? A March.
Q Of the next year? A Yes sir.
Q That would be March, 1902? A Yes sir.
Q When was the third one born? A In April.
Q 1903? A Yes sir.
Q That's your last child? A Yes sir.
Q When was you married? A 1900.
Q Have you got anything to call your attention to the fact of the date of birth of that child? A ---
Q Why you know it was on the 6th of April? A No sir.
Q You just know it was born on the 6th of April? A Yes sir.
Q Do you know what day of the week it was? A I think it was on a Thursday.
Q What time of the day was it the child was born? A At night.

By the Commission:

Q What was the date of your marriage? A 20th of September.
Q What year? A 1900.

Q How long after you were married before this child was born? A It was the next year; 1901.
Q How many months? A I can't tell.
Q Was Willie your first child? A Yes sir.
Q You had not had any children born to you before that? A No sir.
Q Was Willie completely formed when he was born, as other children are? A Yes sir; it was a seven-months' child; its toe nails and finger nails wasn't formed.

Examination by Mr. DeGraffenreid:

Q How do you know that it was a 7-months child? A Yes sir.
Q How do you know that? A Cause I knows how long people goes.

Excused and Samuel Byrd called and sworn, testified as follows:

By the Commission:

Q What is your name? A Samuel Byrd.
Q What is your age? A 26.
Q What is your post office address? A Grayson.
Q Are you a citizen of the Creek Nation? A No sir.
Q Are you a citizen of any tribe in Indian Territory? A No sir.
Q Do you know Martha Byrd? A Yes sir.
Q Is she your wife? A Yes sir.
Q Did you have a child by her named Willie Byrd? A Yes sir.
Q Do you know when the child was born? A Yes sir.
Q State the date. A The 6th day of April, 1901.
Q When did he die? A the 16th of June.
Q What year? A 1901.
Q How old was he when he died? A Something like two months old.
Q Can you read and write? A A little bit.
Q Did you write down anywhere the date of the birth or death of Willie? A No sir, I didn't.
Q You are a farmer, are you? A Yes sir.
Q How high was cotton when Willie was born? A Cotton wasn't up.
Q How high was it when he died? A It was beginning to form some; put on blooms, some of it.

Examination by Mr. DeGraffenreid:

Q You are the father of that child? A Yes sir, I reckon so.
Q Do you know how that child was matured when it was born? A It seem to me it was matured as natural as any other child.
Q Do you know whether it was a 7 or 9 months child? A It was 7 from all the knowledge I can get from it.

By the Commission:

Q Did it have finger nails? A Yes sir; they was kind of thin there.

By Mr. DeGraffenreid:

Q Were the toe nails and finger nails fully developed for a child of 9 years? A Not hardly.
Q When were you married to this woman? A 1900.
Q What month? A September.
Q How many children have you had by her? A Only three.
Q The first one born the 6th of April 1901? A Yes sir.
Q When was the second one born? A March 26th, 1902.
Q When was the third born? A April 26th, 1903.
Q And that was your last? A Yes sir.
Q Who was present with your wife when this child was born? A Hettie Hammond.
Q Who is Hettie Hammond? A The wife of George Hammond.
Q What relation is she, if any, to your wife? A Wife's mother.
Q Did you have a phusician at the birth of this first child? A No sir, didn't have time.
Q You were not expecting it then? A No sir.
Q Did you have a physician at the death of the child? A No sir, took suddenly sick.
Q How long was the child sick? A Hardly over a day.
Q Do you know what was the matter with it? A No sir, couldn't tell.
Q How long did you keep it after it died? A Buried it the next day.
Q Can you recall any of the names of the parties that were present at the burial? A Tom Kemp and Jesse Scott, and grandma Lurena and Joise Edwards was there.
Q Are they all people that are now living there in that neighborhood A Yes sir.

By the Commission:

Q Is Josie Edwards related to you or your wife? A No sir.
Q Is Jesse Scott a citizen? A No sir.
Q How far do you live from,here? A About 40 miles.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 10, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 12th day of May, 1904.

Charles N. Sawyer

Notary Public.

Muskogee, Indian Territory, March 25, 1902.

Martha Byrd,

Grayson, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your deceased child, Willie Byrd, you are advised that the Commission desires further evidence in the case.

You are hereby notified that you will be allowed thirty days within which to appear before the Commission at its office, in Muskogee, Indian Territory, with at least two witnesses who know the dates of the birth and death of said child, Willie Byrd, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

Dn.443

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Grayson, Indian Territory, December 18, 1906.

In the matter of the application for the enrollment of Willie Byrd, deceased, as a Creek freedman.

Josie Edwards being duly sworn testified as follows:

Q What is your age? A Josie Edwards.
Q What is your age? A Twenty eight.
Q What is your post office address? A Grayson.
Q Do you know Samuel and Martha Byrd? A Yes, I am acquainted with them.
Q How far do you live from them? A About three quarters of a mile I guess.
Q Do you know a child of theirs named Willie? A I don't know what its name was.
Q Do you know the first child that was born to them? A Yes, sir in the spring I think, I never saw the child.
Q Did you visit Martha Byrd shortly after her first child was born? A Yes, sir I visit her, it wasn't long after.
Q Did you see the child? A No, sir, I didn't see it.
Q Was the mother still in bed? A I disremember. She had quite a serious timebut I don't know whether she was out of bed yet or not but I didn't see no child nor hear one cry.
Q Did you see the child at any time after its birth? A No, sir I never did see the child.
Q Did Martha Byrd visit you frequently after the birth of the child? A Yes, sir but she never had a baby with her.
Q Did she ever talk to you about the child? A Yes, sir, I remember she said it was a seven months child.
Q Did she ever tell you how long the child lived?A I don't remember what she told me about it now.
Q What reason have you to believe the child was born dead? A My strongest reason is I never saw the child, d nt never seen it yet. Then Martha's mother Nettie Wesson I think told me the child was dead when it was born, I think it was a mis-carriage. If the child had lived I would have seen it.
Q Are you on good terms with the parents of the child? A Yes, sir, there is nothing between us
Q Did you ever attend the funeral of any child of Martha and Samuel Byrd? A No, sir
Q In what year do you think the child was born,? A In 1901, I think was the year. It must have been long in the spring.
Q Have the parents of the child ever asked you to be a witness in this case? A Yes sir
Q Why did you refuse to testify? A I refused cause I didn't know . She told me some things about the child I couldn't swear to.
Q What did she want you to swear to? A About how long the child lived and about the funeral and I couldn't swear to that. My ideas is the child was born dead, what is called a mis-carriage in this country. Then I didn't attend the funeral.

Jesse Scott being duly sworn testified as follows:

Q What is your name? A Jesse Scott.
Q What is your age? A About fifty three years old I guess.
Q What is your post office address? A Grayson.
Q Are you a citizen of the Creek Nation? A Intermarried citizen.
Q Are you acquainted with Samuel and Martha Byrd? A Yes, sir.
Q Are you a deacon in the Friendship church at Grayson? A Yes, sir.
Q Are Samuel and Martha Byrd members of that church? A Martha is Samuel aint.
Q Do you know a child of Samuel and Martha Byrd's named Willie? A Don't know the names of their children.
Q Did you ever assist at the burial of any of their children? A No, sir.
Q Have they any children buried in the Friendship graveyard? A If they have I don't know it.
Q How long have you been a deacon in the Friendship church? A Ten years or more.
Q Have you attended most of the burials in the Friendship graveyard during that time? A Yes, sir, up to last year. Haven't attended many since then.

Dempsey Byrd, being duly sworn, testified as follows:

Q What is your name? A Dempsey Byrd.
Q What is your age? A Fifty two
Q What is your post office address? A Grayson.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Do you know Samuel and Martha Byrd? A Yes, sir.
Q What relation is Samuel to you? A I am his daddy
Q Do you know a child of theirs named Willie? A Yes, sir
Q Do you know when their first child was born? A No, sir I don't remember exactly.
Q Do you know when their first child died? A It died right after its birth.
Q How long after? A Just a few minutes I suppose.
Q You are positive that it didn't live as much as a day? A Yes, sir.
Q How long has it been since the child was born and died? A Between five and six years. Samuel was married a year before I came up here and I have been here five years.
Q Where was the child buried? A On George Mammon's place.

Caroline Rutherford, being duly sworn, testified as follows

Q What is your name? A Caroline Rutherford.
Q What is your age? A Sixty five, about
Q What is your post office address? A Grayson.
Q Do you know Samuel and Martha Byrd? A Yes, sir
Q Do you know a child of theirs named Willie? A Yes, sir, they had one they said they was going to name Willie.
Q Do you know when the child was born? A I cant read nor write and I dont know the dates but it was born early one night in the spring.
Q Were you present? A No, sir but I got there right after it was born and looked after it.
Q How long did the child live? A Died about daylight the next morning after it was born. It never sucked, just lived through the night.
Q Was it a natural birth? A No, sir the child came before time and was kind of a miscarriage, mother had small pox or Cuban itch that was going through here.

[redacted]

[redacted]

Subscribed and sworn to
before me this 23 day of December 1908.

[redacted]

No. 466

Muskogee, Indian Territory, December 28, 1905.

Martha Byrd,

Grayson, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the testimony of December 15, 1905, taken in the field, in the matter of the application for the enrollment of Willie Byrd, deceased, as a Creek Freedman.

You will be allowed twenty days from date within which to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, to submit any further evidence in the case that you may desire.

Respectfully,

Commissioner.

JYL-23-3

En 483

Muskogee, Indian Territory, December 23, 1905.

DeGraffenried & Scruggs,

Attorneys for Martha Byrd, et al.,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the testimony of December 15, 1905, taken in the field, in the matter of the application for the enrollment of Willie Byrd, deceased, as a Creek Freedman.

You will be allowed twenty days from date within which to appear at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, to submit any further evidence in the case that you may desire.

Respectfully,

Commissioner.

JYM-23-4

[redacted]

In the [redacted]
of Willie Byrd, deceased.

APPEARANCES: [redacted]

Statement by Mr. [redacted] attorney for applicant.

The parties in interest to this [redacted] object to the evidence of Josie Edwards, of James Scott, [redacted] Rutherford because said evidence was taken [redacted] without any notice to these parties and in their absence and without their knowledge and when they had no opportunity to appear for cross-examination of said witnesses and that said evidence is incompetent and cannot be considered in this case because it is nothing more than an ex parte affidavit.

S.J.Smith being duly sworn testified as follows:

By Commissioner.

Q What is your name? A S.J.Smith.
Q What is your age? A Forty four the 24th of June.
Q What is your post office address? A Grayson.
Q Were you ever known by any other name? A Yes, sir, Simon Marje is my Greek name.
Q Any other name? A No, sir.
Q Do you know Martha Byrd? A Yes, sir. I knew her before she was married.
Q What was her name then? A Martha Hammon or Hawkins.
Q Is she living? A Yes, sir.
Q Do you know Samuel Byrd? A Yes, sir.
Q Is he living? A Yes, sir.
Q Do you know a child of theirs named Willie Byrd? A Yes, sir.
Q Did you live near them when he was born? A Yes, sir.
Q How far? A About a mile.
Q Were you present when he was born? A Yes, sir.
Q Did you live near them when it died? A Yes, sir.
Q Were you present when it died? A Yes, sir.

By Attorney for applicant.

Q What is your business? A I am a practicing physician and also United States postmaster at Grayson.
Q How long have you been post master? A Two years.
Q How long have you been a practicing physician? A Since '84. I graduated in the class of '84
Q Of what institution? A Howard University, Washington.
Q Were you present as a physician at the birth of Willie Byrd a child of Samuel Byrd and his wife? A I was called to see Lulu.
Q I want you to say I was present or I was not present? A I was present.
Q How came you there? I was waiting on Lulu Hammond, she is now Lulu Williams.

[illegible]

Q [illegible] any record [illegible] of the birth and death of this [illegible]
A I have.

Q How was it made? A I [illegible] the mother during the confinement because she was [illegible] the delivery but I went the next morning and attended to them.

Commissioner.

Q Was that mother Hettie [illegible]? A Yes, sir.

Q What is this record? [illegible] presents a book entitled S.E. Ledger which is alphabetically indexed and from that index we read a reference to page 80 which reads as follows:

1901 Saml Byrd account Dr. April 6, 1901

Deliver of Martha Byrd of a boy child April 6, 1901---a full develop birth of child.
June 12, 1901.
Child died June 12, 1901, membrum croup."

Attorney for applicant.

Q When was this entry made? A On the morning of the 7th instant. The next day because I was there the next day.
Q Take the book and tell me when it was made? A The child was born the night of the 6th, I was not there until the 7th and the entry was made immediately after I went to the house.
Q When was the second date for its death made? A It was made on the day he diedin the day time about two or three o'clock I suppose.
Q Do you know of any one present at the time the child died or attended its funeral? A I can't say as to that. I didn't go.
Q Do you know of any one else that was present at the birth of the child? A Her mother was there, Martha Byrds mother- and her sister Lula, and Martha and Samuel Byrd.
Q Is this the first time you have been called as a witness in this case? A Yes, sir.
Q Have you any interest whatever in the subject matter of this case? A I don't understand your question.
Q Are you interested in this case? A No, sir.
Q Are you related by blood or marriage to any of these parties? A No, sir.
Q Do you know Josie Edwards who testified previously in this case? A Yes, sir.
Q She testified that just after the birth of this child she was at Martha Byrd's house do you know where she was and what her condition was at that time? A She couldn't have possibly been there for on the 5th of April she was confined and the records show that.
Q You say she was confined herself? A I had to go from one house to the other.
Q When was Josie Edwards confined? A About three o'clock the 5th of April.
Q Did you attend her? A Yes, sir
Q How long was she confined to her bed? A Nine days. She was up and around the house after that but she had flux and didn't go

end of the hearing for which case.

I, John Carriere, state on oath that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Subscribed and sworn to before
me this 12 day of January 1906.

John Carriere

J. McDermott
Notary Public.

The reporting of this case was discontinued at this point by Anna Garrigues, and continued by D. C. Skaggs.

Q After Josie Edwards gave birth to this child did she have any other sickness? A yes, sir. In about twelve days she came very near having child-birth fever. I had to go from one house to the other.
Q From the time the Edwards child was born, how long before she got out? A About the middle of May she could go out.
Q I understand you to say she had a spell of the flux? A Well, she did.
Q After this child was born--which was the night you say the Byrd child was born--how long before she was able to get out? A I suppose it was about six weeks from the time of the birth on the 8th of April. It was about six weeks from that date before she could get out doors.

By The Commissioner:

Said entry on page 50 is the last entry in the book, of which there are 200 Pages. On the page preceding, which is page 49, is the following entry:

"Allen Kelly family 1905 February 16 deliver of wife a female child February 16, 1905. labor very severe and complicate trouble of the pelvius. Child borned at 20 minutes past 11 A. M. Feb 16, 1905, fee $10.00."

This entry on Page 49, which appears to have been made on February 16, 1905, has every appearance of having been written before the entry on Page 50 bearing date of April 6, 1901. Said entry on Page 50 is very fresh, while the entry on Page 49, and every page preceding, appears to be older although giving more recent dates.

On Page 38 of said book appears the following entry:

"James Edward family. Delivering of wife one female child Apr 5, 1901, fees $10.00 paid in full $2.00."

The first entry in said book appears on Page 25 and seems to be an account of Charley Potter's family. In every entry in said book, except the above mentioned entry on Page 50 about attendance on Martha Byrd, the fee is stated.

Q Did you state that you wrote this about Samuel Byrd on the day after the child was delivered? A Yes, sir.
Q When did you write the entry about the death of the child? A The same date it appears there: June 12. I made a trip to see the child and while I was there the child died. I made the entry right there.
Q When did you make this record on Page 38 about James Edwards family? A I made it when the child was born.
Q How does it come that in every other entry in this book you put down the fee and in this you did not state the fee? A Because he paid me the cash.
Q Why did you write down this at all then? A I was attending the mother.
Q Why did you write down in your book here the date of birth to Martha Byrd of a boy child? A Because I wanted to show the date the child was born.
Q I will ask you to look at this entry on Page 50 and then look at the entry on the other page and tell me which you think looks like it was made first. Do you claimthat you made this entry on Page 49 at the same time you made that on Page 50? A No, sir.
Q Look at the freshness of the ink and tell me how this one of 1901 looks to be fresher than the one which was written in 1905? A The ink was frozen.

The entry [illegible] on Page 44 is not dated. On page 47 appears an entry dated January 1, 1904. On Page 45 is an entry dated 1904. On Page 43 is an entry dated 1903. On Page 41 is an entry dated 1903. On Page 39 is an entry dated 1903. On Page 37 is an entry dated 1902. On Page 35 is an entry dated 1901. On Page 33 is an entry dated 1903. On Page 31 is an entry dated 1900.

Why did you mix up the entries in that manner if you made them at the actual time they are dated? A I made them at the actual time they are dated. The dates you see in that book are correct.
Q Did you index these entries at the time the entries were made?
A Yes, sir.
Q Are you sure of that? A Yes, sir.

On the first page of this book upon which any writings appear, and upon which are indexed the first four letters of the alphabet, appears the following:
"Charles Anderson P 41."
"Alex Brown P. 45."
"Henry Creek P. 53."
(These three entries have every appearance of having been written at the same time.)
"Henry Conner P. 45." (This appears in a slightly different hand-writing.)
"Dee Davis & Sam Davis P. 27." (This is slightly different from the one before.)
"Frank Barker Page 48." (This is written with an indelible lead pencil.)
"Allen Kelly Page 49."
"Samuel Byrd Page 50."
All the entries preceding the last one each have the appearance of greater age than the last which is comparatively fresh.
No other entries appear upon this page.

Q How long did you state Jodie Edwards was sick all together? A I said about six weeks.
Q Did you conclude from that, that she would not be able to see this child at all? A No, sir, I said soon afterwards.

The third entry in the last mentioned note refers in the index to Henry Creek, on Page 53, and said entry on Page 53 bears date of 1903.
Attention is called to the fact that the letter "B" as in the name "Byrd" comes, in alphabetical order, before the letter "C" as in the name "Creek".
The fourth entry refers to Henry Conner on Page 45 and Page 45 bears the date 1904.
The fifth entry in the index refers to Dee and Sam Davis on Page 27, and on said page appears the date "December 1, 1902."

Q Now Dester, if you made this entry on Page 80 in the year 1901 and indexed it at the same time, as you testified, and if you made these entries about the people whose names begin with C and D in the years 1903 and 1904, and indexed them at that time, can you tell me why you put an entry about the year 1901 on Page 80 and entries about recent years of 1903 and 1904 on preceding pages of the same book. And on the "AB" page of the index, which you state was made at the same time the corresponding entries in the book were made, why you made entries on the pages preceding the Byrd transaction about transactions that occurred years afterwards, and why you put names in the index, that come in alphabetical order after the name Byrd, before the name Byrd? A You see the letter A is taken up by Anderson and the letter B is taken up by Brown and I couldn't get the letter Byrd in there.
Q Do you mean to say Dester that the entry about the Andersons and Browns and Crooks were made before this entry about Byrd? A Byrd w was made before the let er Brown but I omitted to put Byrd down in the place where Brown is.
Q When did you omitt it? A I suppose at the time I made the entry.

On request of the attorney for applicant he is allowed twenty days within which to introduce further evidence in this case.

Q Where did you get this boook, which you have produced here today, called the S. E. Ledger? A I stated I got it in 1889, but I may be mistaken.
Q Where did you get that book? A Nashville, Tenn.
Q What store in Nashville, Tenn? A At a man's named Steth.
Q Have you been to Nashville since that time? A No, sir.
Q Do you recollect the time you were in Nashville? A Yes, sir.
Q Has it been more than five years ago? A Yes, sir.
Q Has it been more than ten years ago? A Yes, sir. I couldn't say the exact length of time.
Q You got this book when you were in Nashville, did you? A Yes, sir. Ten years ago and it may be fifteen years.
Q And you got this book there? A Yes, sir.
Q And you know that you have not been in Nashville within ten years at least? A I was there in 1889. I was coming through Nashville.
Q Where had you been? A Washington City.
Q Were you just paying a visit to Washington City? A Yes, sir.
Q What had you been to Washington about? A Just had the money and wanted to go.
Q Were these entries which you have in this book placed in the book at the time the occurrences happened? A Yes, sir. Every entry put in there was made on the date it happened except the last one and it was made on the 6th.
Q Do you mean that it was made on the next day after it occurred? A Yes, sir.
Q Is this your ledger. Did you first put the accounts down in a day-book and then transfer them? A Yes, sir. I have two books. I had a day-book and a visiting list but don't know where they are.
Q How long did you wait until you transferred them to your ledger? A As soon as I got to the office.
Q You entered the accounts in your ledger as soon as you returned to your office? A Yes, sir.
Q Have you that day-book? A I don't know. I am using that now.
Q You are using this as a day book? A Yes, sir.
Q Do you think you had a day-book at the time this entry was made in 1901? A Yes, sir.
Q Do you think you have that in your possession now? A I can't tell you.

Q The oldest account appearing in this book appears on Page 58 and is dated October 10, 1898? Was that put in this book at that time?
A Yes, sir.
Q You are certain of that? A Yes, sir.
Q And you are certain that all these other accounts were put in this book at the time or shortly after they happened? A Yes, sir, within six hours.
Q You swear that every account in this book was put in within twelve hours after they happened? A Yes, sir.
Q Will you bring that day-book or visiting list up for our inspection? A If I can find it.
Q Will you make search for it? A Yes, sir, but I can't do it this week.
Q You are absolutely certain, are you, that this ledger, which is called the S. E. Ledger is the one you got in Nashville, Tenn. some fifteen years ago; and that these accounts have been put in from time to time, by you or under your direction, within at least a day after the occurence happened, which is here indicated? A Yes, sir.

On the last page (the back) of said ledger is certain printed general information such as:

"Compound interest on one dollar for 100 years."
"Years in which a given amount will double at several rates of interest."
"Interest laws and statute of limitations."
"Domestic weights and measures." Etc.

There is also, under the heading "Postal Information", certain information regarding the rates of postage, the classification of mail matter, registration and money orders. At the top of such information appears the following:

"Revised January 18, 1899 at Roaring Springs, Pa. Post Office."

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 16 day of Jan 1906.

J M Leavell
Notary Public.

Cr. No. 465:

[redacted]

In the matter of the application for the enrollment of [redacted] Byrd, deceased, as a Creek Freedman.

APPEARANCES: [For Applicant: R. P. DeGraffenreed.
[For Creek Nation: Merritt Mellick.

MATTIE MAMONS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Mattie Mamons. I am also known as Hawkins. They call me both. Some people call me by my original married name, Mamons.
Q What is your age? A Forty-five.
Q What is your post office address? A Henryetta.
Q Do you know Martha Byrd? A Yes, sir, my daughter.
Q Do you know Samuel Byrd? A Yes, sir, my son-in-law.
Q Are they both living? A Yes, sir. Were when I left home.
Q Did you know a child of theirs named Willie Byrd? A Yes, sir.
Q Is that child living? A Is he living. He ain't living now cause he is dead. I knew it.

BY MR. DeGraffenreed:

Q When was that child born? A The 6th of April, 1901.

BY THE COMMISSIONER:

Q [illegible] Were you present when it was born? A Yes, sir, I was right there.
Q Did you act as mid-wife? A Yes, sir.
Q How do you know it was the 6th of April, 1901? A Well, I noticed the almanac at that time.
Q How did you come to notice the almanac? A I generally the most of the time does that.
Q How many years ago was that child born? A It has been about-----it has been about five years this past year-----this 1906 makes it six years.
Q Do you know what month this is? A Dis is January.
Q What year? A 1906.
Q What will next month be? A February.
Q And the next month after that? A March.
Q The next? A April.
Q Now this coming April how old will that child be, if it was living? A This April?
Q Yes, this April? A Would make it six years old.

BY Mr. DeGraffenreed:

Q When did you count from? A Count from 1901.
Q Now count it up and see what it will be? A (after studying a few moments) This coming April would make it seven years old.

BY THE COMMISSIONER:

Q Now you see when you come to count up the years. I asked you that to see if you know what you mean when you say 1901. What makes you remember it was 1901? A What makes you remember it was in that year, was there any circumstance that fixes it in your mind? A I say that would make the child about six years old.
Q How do you know it was born in the month of April? A Because I [illegible].

Q Is that how you know it was in 1901; because you were there? A That was the date of the year. I noticed the date of the year on the Almanac.
Q Have you ever acted as mid-wife at the birth of any other child since Willie was born? A Yes, sir.
Q Have you acted as mid-wife at the birth of a child who is a Greek Citizen? A No, sir.
Q Do you remember the year in which any other child was born since Willie was born? A No, sir.
Q Do you remember the year in which any child was born in which you acted as mid-wife, since the birth of Willie? A My daughter's children.
Q Any others? A No, sir.
Q Have you ever assisted as mid-wife at the birth of any child since Willie Byrd was born? A No, sir, outside of my daughter.
Q Has she had any other children since Willie was born? A Yes, sir.
Q And you acted as mid-wife? A Yes, sir.
Q Name them? A George Byrd and Sallie Byrd and Ora Byrd.
Q Were you present when all three of those children were born? A Yes, sir.
Q Did you act as mid-wife? A No, sir. Not myself but I had others with me there.
Q Were you present when they were all born? A Yes, sir, right there.
Q When was George Byrd born? A In the year 1902.
Q What month and what day? A The 26th of March.
Q How do you fix that date? A I just looked at the figures where they was printed on the almanac.
Q Did you look at the almanac when George was born? A Yes, sir.
Q When was Sallie born? A The twenty-sixth of April.
Q What year? A 1903.
Q How do you fix that date? A Because she had one every year.
Q Did you look at the almanac when Sallie was born? A Yes, sir.
Q When was Ora born? A Born the year of 1904, the 30th of August.
Q How do you know that? A Well, I was there and it was August the Last day.
Q How old is your grandchild, George Byrd? A George Byrd is three years old----------
Q More or less? A He is three years old in March.
Q This coming March will he be three or four years old? A Yes, sir, this coming March will make him----------I don't want to make a mistake----------will make him four years old.
Q Is Ora Byrd living? A Yes, sir, she is living.
Q How old is Ora? A A year and five months old.
Q The only way you have to remember that this child, Willie Byrd, was born in April, 1901, is because you looked at the almanac. Is that it? How do you come to remember just that date? A The reason is we was fixing to plant cotton.
Q Didn't you fix to plant cotton in any other year besides 1901? A Oh! yes, sir.
Q You don't know how many years ago that is. You have given six and seven and they are both wrong. How old was Willie Byrd when he died? A He was two months old and some over.
Q Are you sure of that? A Yes, sir.
Q How do you know it? A I know it was two months
Q When did he die? A April 15.
Q Are you sure of that? A Yes, sir.
Q When was it that Willie Byrd died? A The 15th of April.
Q What year? A In the year 1901, the year he was born.
Q What makes you remember he died the 15th of April, 1901? ~~A~~ Is there anything that helps you remember that date? A The reason I remember it we was fixing to plant cotton.
Q At the time he died? A Yes, sir.

Q You just said you were fixing to plant cotton when he was born. Were you still continuing the preparations to plant cotton when Willie died? A No response.
Q Is it not a fact that Willie Byrd only lived a few days? A He lived two months.
Q How could he live two months if he was born April 6, 1901 and died April 25, 1901? A There is where I made the mistake: it was June.
Q You now state that Willie Byrd died in June? A Yes, sir. That is where I made the mistake.
Q How did you come to make the mistake? A Why, by answering the questions too fast where you asked me too fast.
Q We are not hurrying you. Which is correct; when did he die, in April or June? A June.
Q You are sure? A Yes, sir.
Q How do you know that? A No answer.
Q Have you got anything that helps you remember the date of his death? A No, sir, I don't remember now.
Q Were you present when Willie Byrd died? A Yes, sir.
Q Did they have a funeral? A I don't go.
Q At the time Willie Byrd was born, was there a woman named Caroline Rutherford present? A No, sir.
Q Was she there shortly after the child was born? A I don't know.

By Mr. DeGraffenreed:

Q How far did Byrd live from you at the time that child was born?
A Just a quarter.
Q Did they send for you when they expected the woman to be confined?
A Yes, sir.
Q What time of the day was that child born: in the night or day time? A In the night.
Q Do you know the day of the week? A I don't know just exactly the day of the week.
Q Now I want you to tell me. You say it was born on the 6th day of April, 1901. Now you have made all kinds of statements here. I want you to tell me why you know it was in the month of April? A We was fixing to plant cotton.
Q Are you a citizen of the Creek Nation? A Intermarriage.
Q You are not a citizen yourself? A Just intermarriage.
Q You are the wife of George Ramon? A Yes, sir.
Q And he is dead? A Yes, sir.
Q After that child was born in April, when you started to plant cotton, how long did he live? A Two months.
Q What were you doing in the crop, if you know, at the time that child died. Were you working in the crop at the time it died? A Yes, sir.
Q Now what do you think you were doing in the crop? Was it warm weather? A Yes, sir.
Q What was your husband working at? A Plowing the corn and cotton.
Q You had planted a crop and it was up at the time it died? A Yes, sir.

Attorney for Creek Nation objects to the question as leading.

Q What were you doing when that child died, in the crops? A He was hoeing cotton.
Q Where were you when the child died? A I was at my house and they sent for me.

Q Did you go there? A Yes, sir.
Q Were you at the house of the child when it died? A Yes, sir.
Q What time of the day was it the child died? A About eleven O'clock.
Q In the day or at night? A Day.
Q When was the child buried? A The next day.
Q Do you know where it was buried? A No, sir, I didn't go.
Q Do you know what grave yard they took it to? A No, sir, I did not go to the grave yard.
Q Did they get a coffin for the child? A yes, sir.
Q Where were you when they went to bury the child? A I went on back home.
Q Do you know who went to the grave yard from the house of Byrd and his wife? A No, sir, I couldn't tell.
Q How did they take the coffin, in a wagon or carriage, or how? A No, sir, he taken it in a carriage.
Q Whose carriage? A I don't know. He didn't have any of his own.
Q How do you know he took it in the carriage? A He borrowed it.
Q Were you there when they started to the grave yard? A Yes, sir.
Q Who did he get the coffin from? A Pete Smith.
Q Where is Pete Smith? A He is dead.
Q This child was a grandchild of yours? A Yes, sir.
Q Didn't you see this old doctor there the next day after the child was born? A No, sir.
Q You didn't see him? A No, sir.
Q Were you there the next day after this child was born? A Yes, sir.
Q You was there that night? A Yes, sir.
Q Did you go home before the next day? A No, sir.
Q Did you stay there all the next day? A Yes, sir.
Q Was old Smith there? A No, sir.
Q Are you sure of that? A Yes, sir.
Q Now have you anything else you want to state here? A No, sir.

By Mr. Malick:
Q How far did you live from this place where the child died? A A quarter.
Q What time did they send for you? A At night.
Q Early or late? A They had not gone to bed.
Q Who was there: just the child's mother? A Yes, sir.
Q You didn't see Dr. Smith there? A No, sir.
Q You didn't see him when the child was born? A No, sir.

BY THE COMMISSIONER:
Q You say you were there the day the child died. Were you present in the same house when Willie Byrd died? A I said they sent for me when it died.
Q Did you get there before the child died? A They sent for me, I said.
Q Did you go? A Course I went.
Q Did you get there before the child died? A No answer.
Q Was the child dead when you get there? A Yes, sir.
Q How long had it been dead? A I couldn't tell.
Q Did you see it there dead? A Yes, sir.
Q How long before that had you seen it alive. Had you seen it the day before? A Yes, sir.
Q Alive? A Yes, sir.
Q And well? A I don;t know whether it was well or not, it was alive.
Q You saw it lying there dead. Was it a well developed child? A Yes, sir.

Q You saw its hands and face and feet? A yes, sir.
Q Was it was well developed as a child two months old would be? A It was a well grown child.
Q Did it have perfect hands? A Yes, sir.
Q You were there when it was born were you? A Yes, sir.
Q Was it a well developed child when it was born? A Yes, sir.
Q Was it a nine months baby, do you know? A It was a seven months child.
Q It was a seven months child? A Yes, sir.
Q Are seven months children well developed? A Yes, sir, I have seen them live and grow big.
Q Did Martha Byrd go to the funeral? A No, sir.
Q Whose carriage was that they borrowed? A I don't know just whose
Q How do you know they borrowed one? A Sam Byrd borrowed it.
Q Do you know whether Demsey Byrd was present when Willie Byrd was born? A No, sir.
Q Did he come shortly after the child was born? A Passed there the next morning. He didn't come in the house.

By Mr. Eslick:
Q How did it happen that Martha Byrd did not go to the funeral? A I don't know why she didn't go.

BY THE COMMISSIONER:
Q Is it not a matter of fact she was sick? A No, sir.
Q Wouldn't a mother go to her own child's funeral? A I have seen lots of people who didn't go to them.

JANE SHEPPARD, being duly sworn, testified as follows:

BY THE COMMISSIONER:
Q What is your name? A Jane Sheppard.
Q How old are you? A Thirty-four.
Q What is your post office address? A Grayson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Samuel Byrd and Martha Byrd? A yes, sir.
Q Are they living? A Yes, sir.
Q Do you know a child of theirs named Willie Byrd? A Yes, sir.
Q Do you live near them? A Yes, sir.
Q Is that child living? A No, sir.
Q When was he born? A 1901.
Q How do you know? A I know he was born that year.
Q Is there any circumstance that helps you remember it was in 1901? A Yes, sir, because my baby was born in February, 1900.
Q What is his name? A Walter Sheppard. And Martha and Sam Byrd married in September, 1900.
Q You remember that they married in September, 1900, the year your child was born? A Yes, sir.
Q How long after they married before that child Willie was born? A Between eight and nine months.
Q Are you sure of that? A Yes, sir.
Q Can't you come any little closer? A No, sir, from the 9th of September, 1900, it would have to go to September, 1901, to make a year.
Q If you remember so weel that they were married in 1900 and you live close to them and kept tract of it, wouldn't you know if they had a child before they were married nine months? A yes, sir.
Q Was this child born before they were married nine months? A Yes, sir. They say it was a seven months child.
Q Why did you state that it was between eight and nine months? No answer.

Q If it is a fact that they [illegible] that it could [illegible] seven months after [illegible] that they had a child between [illegible] nine months after they were married? A From the time they down business the first time, I don't know nothing about that.
Q Are you certain that Sam Byrd and Martha were married in September, 1900? A Yes, sir.
Q Are you certain that it was as much as between eight and nine months before they had Willie? A Yes, sir, I think I am. You can count from September, 1900, on up to April, 1901.
Q Why do you think it was between eight and nine months from their marriage until they had Willie? A Well because Martha was down--- confined before they was married nine months.
Q As a matter of fact from September, 1900, to October, is one month from October to November is two months, from November to December is three months, from December, 1900, to January 1901, is four months, from January to February is five months, from February to March is six months, from March to April is seven months, and from April to May is eight months, and between eight and nine months is between May and June. Is that when Willie was born? A No, sir, he was born before June.
Q You stated positively between eight and nine months from the time they were married this child was born. Why did you state that? A I was just counting it from September up to April.
Q From September to between eight and nine months would be between May and June. A I just counted to fast.
Q Did you live close to these people? A About a quarter.
Q Are you any relation to these people? A No, sir.
Q Were you present when Willie was born? A No, sir.
Q How long before you saw him? A They said he was born on Saturday and I went there Monday.
Q The Monday after the child was born? A Yes, sir.
Q Was it a well developed child? A No, sir, it was not as full as a nine months baby ought to be. It looked weasly and bad.
Q How was that? A Its skin was not full: looked like you could take your hands and lap it over. It was poor and its finger nails were not out good.
Q It didn't appear to be a nine months baby? A It looked like a nine months baby but its skin was not full.
Q Did you continue to live in the neighborhood with them as much as a year after that child was born? A Yes, sir.
Q Were you present when Willie died? A No, sir.
Q How long after the death before you went to the house? A About a week.
Q You didn't see it dead? A Only at the grave yard.
Q Did you see the child at the grave yard? A Yes, sir.
Q How old did it appear to be then? A I know how old it was. It was something over two months old.
Q How do you know that? A From the time it come till the time it died.
Q When did it die? A About the 15th of June.
Q How do you know it was June? A We got the word.
Q You went to the funeral? A Yes, sir.
Q Who was present at that funeral? A They were just four or five.
Q Was Martha Byrd there? A No, sir.
Q Who was there? A Myself and my husband, Elisha, Tom Kemp, Jesse Scott and I don't know the rest.
Q You don't remember any one else? A No, sir.
Q Where was that child buried? A It was the Tom Smith grave yard. It was known then as the Friendship Graveyard.

Q Do you know who was the deacon of that grave yard? A No, sir.
Q Was Jesse Scott a deacon of that Friendship Grave yard? A Yes, sir.
Q He swore that he attended most of the funerals in that grave yard during that time and he says if any of their children were buried there he don't know it? A He must have been mealy-gathered when he said that.
Q What is the name of the father of your child, Walter Sheppard? A Elisha.
Q Is he living? A No, sir.
Q When was he born? A February 15, 1900.
Q How do you remember that? A I got it down in the Bible.
Q When did he die? A October 15, 1903.

(This examination was here discontinued for the noon-hour)

Q When did you say your child, Walter Sheppard, died? A October 15, 1903.
Q When was he born? A February 15, 1900.
Q Was he born before Willie Byrd? A Yes, sir.
Q How old was he when Willie Byrd was born? A Some wheres near a about fourteen months old.
Q Now give it the best you can? A He was born in February, 1900, and from February, 1900, to the 6th of April----------
Q Now don't think about the specific date, February, 1900, and April, 1901, but think about the birth of Willie Byrd and just think how old was your child, if you remember, when Willie Byrd was born? A My baby was a year and two months old.
Q How large was your child when Willie was born? A He was just beginning to walk---a yearling baby.
Q Are you sure he was not a year and a half old? A No, sir, he was not.
Q Could he talk? A No, sir, just jabbering.
Q How old was your child when Willie died? A A year and four months and a little over.

BY Mr. DeGraffenreid:
Q You say that child was born in the month of April, 1901? A Yes, sir.
Q How long did he live? A Two months and about nine days.
Q Can you give any reason why you say it died in the month of June? A Yes, sir, we looked at the almanac and it was cotton chopping time.
Q Where was that child buried? A In the Friendship Grave yard.

By Commissioner:
Q Are you sure it was not buried on Mr. Hamon's place? A No, sir, it was not.

By Mr. DeGraffenreid:
Q Did you attend the burial of this child? A Yes, sir.
Q Have you any interest in this case? A No sir.

REE RATTS, being duly sworn, testified as follows:

By the Commissioner:
Q What is your name? A Ree Ratts.
Q How old are you? A Twenty-nine.
Q What is your post office address? A Grayson, Indian Territory.
Q Do you know Samuel Byrd? A Yes, sir.
Q Do you know his wife Martha Byrd? A Yes, sir.
Q Did you know a child of theirs named Willie Byrd? A Yes, sir.

Q Were you present when that child was born? A No, sir.
Q Did you live close to them at the time of the birth of Willie? A About a mile.
Q Did you ever see Willie Myrd? A Yes, sir.
Q How long after his birth before you saw him the first time? A About two weeks I suppose. But I was at his house on Monday after the child was born but I didn't go in.
Q Did they tell you that they had a child born before Monday? A Yes, sir.
Q When did they say it was born? A They said it was born on Saturday.
Q You didn't see the child until a week or such matter after its birth? A No, sir, because I didn't go in.
Q What time was that, that you first saw it? A I couldn't tell.
Q What year? A 1901.
Q How do you remember that? A Because it was born the same year I was clerk of the Church and kept a record of the Church affairs. I went down there to see him to see why he did not help for a church supper we was going to have.
Q What was the name of that Church? A Pilgrim Baptist Church.
Q It was two weeks when you saw the child? A Yes, sir.
Q Did you look at it? A Yes, sir.
Q Examine it closely? A No, sir.
Q From what you seen of it could you say it was a well developed child? A Yes, sir.
Q Did you notice its fingers nails and hands? A No, sir.
Q It is dead is it not? A Yes, sir.
Q Do you know when it died? A Yes, sir.
Q Were you present when it was buried? A No, sir.
Q Were you present when it died? A No, sir.
Q How do you know when it died? A I had a chance to come by Sam's house.
Q Did you see the child a corpse? A Yes, sir.
Q When was that, that you went by and saw this child dead? A As near as I can recollect it was about the fifteenth.
Q Is there anything that helps you remember that it was in June? A Not any record whatever.
Q Is there any circumstance that happened that ehlps you remember? A Yes, sir, I was attending to some land up there is the reason I knew it was in June.
Q Did you see any one in the house there besides the parents of the child, at the time you saw it dead? A I did see some one there.
Q Do you remember the names? A I didn't pay much attention. My uncle was there.
Q What is his name? A Tom Kemp.
Q Any others you remember? A No, sir, I don't remember of any one else atthe time, it has been so long.
Q How do you remember so exactly the month and year in which it was born and died if it has been so long? A I told you awhile ago why I remember when it was born. I was going to see about some land on that date.
Q Are you any kin to Sam or Martha? A Yes, sir, to Martha.
Q What kin? A First cousin.
Q Is that the reason you have kept so close track of it? A No, sir, I have not interest in it whatever.
Q Did you ever go up to their house the year before or the year after that to see about church matters? A No, sir.
Q You say you remember the exact date of its birth because you went there to get him to help the Church suppers, didn't you ever go to his house at any other time about church matters? A No, sir, he was always able to get out.
Q Was he able to get out? A Yes, sir, but he didn't.
Q Were you at the funeral? A No, sir.

Mr. Ellis------8.

Q [illegible]? A Yes, sir.
Q [illegible] A No, sir, I [illegible] on the 19th, the day it died.
Q Did you pass the house the day of the funeral? A No, sir.
Q When you were at the house the day the child died, did you see Sam and Martha? A Yes, sir.
Q Was Martha well or sick? A She was able to be up.
Q Do you know whether she went to the funeral? A I don't know.
Q Do you know whether she expected to go? A No, sir.

By Mr. DeGraffenreid.
Q You know that child was born in 1901, do you? A Yes, sir.
Q How long did it live? A It lived about two months according to the way I recollect.
Q Did you ever see the child? A Yes, sir.
Q How long after it was born before you saw it? A About two weeks.
Q You know it was living then? A Yes, sir.
Q Do you know whether that child was born alive or dead? A It was born alive.
Q Was it alive when you saw it two weeks after it was born? A Yes, sir.
Q You swear that? A Yes, sir.
Q Do you know about how long it lived after it was born? A About two months.

By the Commissioner:
Q When you say "about two months" is it possible that it lived only a month? A No, sir, it is possible that it lived over two months, is what I mean.

By Mr. DeGraffenreid:
Q What is your business? A I am city recorder of Grayson.
Q What were the farmers doing in the crops at the time that child was born? A They was planting.
Q What were they doing when it died? A They were hoeing cotton and plowing corn.
Q Do you know how many other children Sam and his wife had? A Yes, sir.
Q How many? A They have three.
Q Give their names? A George, Sallie and Ora.
Q When was George born? A George was born in 1900----------19-----George was born in 1902.
Q Which time is correct? A In 1902. I made a mistake.
Q What was the name of the first child they had? A Willie.
Q What was the name of the second child they had? A George.
Q When was George born? A Born in the year 1902.
Q What is the name of the third child? A Sallie.
Q What year was she born? A 1904----3.
Q Which is right? A 1903.
Q What is the name of the fourth child? A Ora.
Q When was she born? A 1904.
Q How old is Ora now? A Ora will soon be two years old.
Q Do you know the child? A Yes, sir.
Q Is she able to run around now? A Yes, sir.

By The Commissioner:
Q You stated that Willie lived about two months? A Yes, sir.
Q I asked you if it was possible it could have lived only one month? A I said it was between a month and three-fourths and two months.
Q Are you sure of that? A Yes, sir.
Q What makes you sure of that? A Because it was in June this child died.

[illegible]
[illegible] period [illegible]
Q If you think [illegible]
June 15, you can't tell [illegible]
face of the matter is [illegible]
days and therefore [illegible] days and you
think it was between [illegible] this
this child lived [illegible]
month and 22-1/2 days, [illegible]
28th of May, and it was between that date and [illegible] June
that would bring it to. You say the child died the 15th of June?
A I didn't say that, I said it was about the middle of June.
Q You state that George Byrd was the next child after Willie? A Yes, sir.
Q And that he was born in 1902? A Yes, sir.
Q Have you any good reason for knowing that? A Yes, sir.
Q What is it? A Because Martha had a child ever year.
Q What day and month was George born? A I have forgotten.
Q Did you ever know it? A Yes, sir.
Q You knew the exact date did you? A Yes, sir, according to all they told me.
Q Didn't you see George shortly after he was born? A Yes, sir, I seen him about a month after he was born.
Q What month was that? A I don't know just exactly.
Q You don't knew what month in 1902 it was you saw George? A No, sir.
Q Did yousay Hallie was born in 1903? A Yes, sir.
Q What month in 1903? A I don't know.
Q Did you ever know? A Yes, sir.
Q Have you forgotten it now? A Yes, sir.
Q Did you see Hallie Byrd shortly after her birth? A Not under a month.
Q Did you see her as much as a month after her birth? A yes, sir.
Q What month was that you saw her? A I don't know.
Q Ora, you said, was born in 1904. Did you see her shortly after her birth? A Yes, sir.
Q How long after? A I don't know just exactly how long.
Q About how long? A About a month and a half, I suppose.
Q Can you tell me the month in 1904, you first saw their child, Ora?
A I didn't keep that up.
Q You didn't keep up dates of the births of children born in 1902, 1903 and 1904, but you did keep up the date of the birth of one born in 1901? A Yes, sir.
Q Why was that? A Because my attention was called to the fact that the child was dead. That is the reason I gave it my attention.
Q Who called your attention to it? A Mr. Byrd.
Q How did he call your attention to it? A He asked me if I remembered and [illegible] said he wanted to have me as a witness for him. He said I was there I ought to remember.
Q When was that? A About a month ago.
Q You went back and refreshed your mind about Willie? A Yes, sir.
Q You didn't about the others? A Yes, sir, they didn't concern me and I didn't bother about them.
Q Did he tell you when the child was born when he asked you if you knew about it? A No, sir. When he called my attention to it I remembered about the time.

By Mr. DeGraffenreid:
Q How many children have you? A Three.
Q Could you tell when your children were born if your were called up to tell when they were all born could you tell it? A No, sir, I don't reckon I could.

Q You didn't stay until the burial was [illegible]? A No, sir.
Q You didn't go to the funeral yesterday? A No, sir.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 1st day of Feb, 1906.

Notary public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hoffman, I. T., April 5, 1906.

In the matter of the application for the enrollment of Willie Byrd, deceased, as a Stock Freedman.

APPEARANCES: R. P. DeGraffenreid, attorney for applicant:

JOSIE EDWARDS; being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Josie Edwards.
Q How old are you? A About twenty-two.
Q What is your post office address? A Grayson.
Q You have testified in this case before, have you? A Yes, sir.

By Mr. DeGraffenreid:

Q Do you know the exact time that child was born? A No, sir.
Q Do you know how long it lived after it was born? A No, sir.
Q You don't know whether it was a week or two months old? A No, sir.
Q Did you ever talk to any of them about when the child died? A I never had no particular talk with them about it.
Q According to your understanding, from the time that child was born till the time it died, how long do you think it lived? A I don't know anything about the death of it, only what I heard. What I know about it was it was a mis-carriage.
Q How did you know about it being a miscarriage? A Just what I heard about it.
Q All you know about it was just common rumor in the neighborhood? A Yes, sir.
Q Is that the first child Martha Had? A Yes, sir.
Q Do you know what time of the year that child was born? A It was along in the Spring, I think. It has been so long.
Q Did you see Martha Byrd soon after the child was born? A Yes, sir. I don't know just how long it was.
Q About how long do you think it was? A I couldn't be positive how long it was.
Q Was it a week or two or three [illegible] or four months? A It was less than three or four months.
Q Did she ever say anything to you about this child? A No, sir, not particular, only that she had a child.
Q Said she had a child? A yes, sir, and I know she had the child some way or other.
Q Were you at her house soon after the child was born? A I don't know whether I was or not. It has been so long, I don't remember. I don't want to say anything I don't know.
Q In your first testimony you stated, in answer to a question, that you did visit Martha Byrd and it was not long after the child was b born. Now I want you to state what you meant by that: whether you meant it was a week or two weeks or two months after? A Well, I couldn't say. I guess I must have went there inside of two months.
Q You guess you were there inside of two months, but you don't know? A No, sir, I guess it was. It has been so long. That evidence I gave before I was not hardly positive of anything I said.
Q Did Martha Byrd or her husband ever try to get you to tell what was not the truth, in connection with this case? A They said they wanted me to witness for them.

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Q Did they ever try to get you to swear to anything that was not the truth as they knew? A They didn't try to persuade me but they told me certain things I didn't know and I told them I didn't know anything about it.
Q When they found out you did not know about it did they try to get you to swear to it? A Yes, sir, they wanted me to swear to it. They said it would help them.
Q Did they try very hard to get you to swear to it? A Why, they didn't make me great effort to.
Q They didn't try to get you to testify after they found out you didn't know about it? A I told them I was not going to tell anythig I didn't know.
Q They didn't try to get you to perjure yourself? A I don't know whether [redacted] it was perjury or not. I know I didn't do it.
Q You don't know whether that child was buried in the Friendship Grave Yard or not? A No, sir, I don't know anything about where it was buried.
Q You don't know whether there was a funeral or not? A No, sir.
Q How far do they live from you? A I don't knew whether it is a mile or what--it is not very far.

BY THE COMMISSIONER:

Q You stated in your previous testimony that they lived about three-fourths of a mile from you? A I told you I didn't know and my husband spoke up it was about three-fourths of a mile. It is not far though.
Q Do you visit each other? A I do when I get ready but I have not been there in quite a while.
Q Did you ever see that child? A No, sir.
Q What is the rumor in the neighborhood as to when that child was born? and when it died? A It was born along in the spring.
Q How long did it live? A I couldn't tell you that. I didn't see it.
Q In answer to the question, "What reason have you to believe the child was born dead," you answered, "my strongest reason is I never saw the child and ain't never seen it yet." What reason did you have to believe that? A I just supposed it was a miscarriage.
Q What do you mean by a miscarriage? Does a child live when it is a miscarriage? A I don't think they do.
Q Do you believe that that child lived? A I couldn't tell you?
Q You stated before that you didn't think it lived? A I believed t it was a miscarriage. I never seen it. I couldn't swear it was born dead or whether it lived.
Q How soon after the child was born were you at her house? She swears that you were there the next morning? A [redacted] If I was there the next morning I don't remember it.
Q Did she visit youafter the birth of the child? A Why, yes,sir, I guess she did.
Q Did she have that child with her? A I told you I never seen that child so you know she never had it with her.
Q Did you attend the funeral of that child? A No, sir.
Q State as near as you can the conversation that took place between you and Sam Byrd and Martha Byrd when they wanted you to testify? A I couldn't tell you. I couldn't remember all that. I know they wanted me to testify but I couldn 't remember what all was said. They stayed all day with me that day.

Q In answer to the question, "Why did you refuse to testify?" you answered, "I refused because I didn't know. She told me some things about the child I couldn't swear to." I s that true? A Yes, sir. It was true I guess.
Q What was it she wanted you to swear to? A I hadn't seen the child and couldn't go up there and swear I had seen it.

Q Do you believe that child was born dead? A Yes, sir, from the talk.
Q Do you believe it? A Yes, sir, from the talk.

Attorney for applicant objects to question as immaterial.

Q If the child had lived you would have seen it, wouldn't you? A Yes, sir, I guess I would have seen it.
Q When you testified before you were also asked, "Did you visit Martha Byrd shortly after her first child was born?" you answered, "Yes, sir, I visited her. It was not long after." A I don't know how long it was
Q You stated positively that it was not long after? A I couldn't say how long it was.
Q Do you know the nature of an oath? A Yes, sir.
Q You were sworn when you testified before, were you not? A Yes, sir.
Q And you swore it was not land after. How long after was it? A I don't know.
Q According to you best knowledge and belief? A I wont say because I don;t know just how long it was.
Q Has Sam Byrd or his wife talked to you about this case since you testified? A No, sir.

By Mr. DeGraffenreid:
Q Can you tell whether or not you were at Martha Byrd's house or she at your house within two months after that //Ala was born? A I couldn't say whether I was or not.
Q Have you seen her within the last three months? A Yes, sir.
Q Do you know whether or not you seen her within two months after the child was born? A Yes, sir, I know I seen her within two months
Q Do you know whether or not you were at her house within two months after the child was born? A I think I was at her house inside of two months.
Q You think you were? A It was bound to be in two months. It has been so long I couldn't tell much about it.
Q Have you any reason to believe that that child didn't live two months? A Just like I told you awhile ago that it was talked around that it was a miscarriage.
Q You didn't see the child? A No, sir.
Q Then you don't know whether it lived two months or not? A I didn't see it if it was living.

BY THE COMMISSIONER:
Q If the child had lived two months you would have seen it would you not? A It seems as though I would have seen it.

JIM EDWARDS, being duly sworn, testified as follows:

BY THE COMMISSIONER:
Q What is your name? A Jim Edwards.
Q How old are you? A I don't know but I suppose about forty-five.
Q What is your post office address? A Grayson.
Q Do you know Sam and Martha Byrd? A Yes, sir.
Q Did you know a child of theirs named Willie Byrd? A No, sir.
Q Do you know the first child that was born to them after their marriage? A No, sir.
Q Do you know of any dead child that they had? A I knew of one they called Willie. Mrs. Hommond and Rena Hawkins attended on her.
Q Do you know whentthat child was born? A Well I don't positively know. I think it was something near about the first of April.
Q In what year? A It was 1900 or 1901.
Q Do you know when that child died? A I know they didn't have no living child at that time or after that time.
Q You are positive of that, are you? A I can swear that she didn't have no living child in the month of April-- It was a miscarriage.

Q Are you positive that they had no living child? A It might have lived an hour or something like that but during April, at the time that child was born, it didn't live.
Q Were you at the house after the birth of the child? A Yes, sir, it might have been a week or [illegible] days.
Q The child was dead at that time was it? A There was no child there.
Q Did they tell you the child was dead? A Yes, sir, they told me they lost the child.
Q In the month of April? A Yes, sir.
Q You are as positive of that as you are that you are living? A Yes, sir. At the out-going of that month they didn't have no living child.
Q Do you know where they buried the child? A No, sir, I knew they didn't bury it at no grave yard.
Q Do you know whether or not they had a funeral at the Friendship Grave yard? A No, sir, they didn't.
Q Has Sam Byrd ever approached you and asked you to testify in this case? A Yes, sir.
Q What did he say to you? A He told me he went before the Commission to enroll that child and his instructions were that he would have to get some one on the outside of the family as witnesses and he would like for me to let my wife go As a witness in the case and that they would pay her expenses there and back if I would let her go.
Q What was the nature of the testimony they desired to get from yourself and wife? A They wanted my wife to swear that this child lived about three months after it was born. I told him that I would not do it--that we couldn't afford to swear to nothing like that. He come here once and tried. I just told my wife she should not have anything to do with it. He told me he had Mr. DeGraffenreid employed to get the child enrolled and I knew Mr. DeGraffenreid and I didn't want to testify in the case at all, because I would just have to tell it just like it is.

By Mr. DeGraffenreid:
Q Are you satisfied in your own mind that the child died soon after it was born? A Yes, sir.
Q On what do you base your idea that that child died shortly after it was born? A Talk from Sam and Martha Byrd.
Q Did they tell you that it died shortly after it was born? A Yes, sir.
Q What was the occassion of that conversation. Didn't you already know it before then? A No, the old lady Rutherford went down there the next morning or the same day and she told us the child came dead.
Q How long after that before you saw Sam and Martha? A Two or three days. During that week.
Q Did you have any conversation with them about it? A I asked how she was getting along and Sam told me it was a missarriage. His wife was sick then.
Q Do you know where that child was buried? A No, sir, not positive of it. The old lady Hammond and Rena Hawkins done away with the child some where. They didn't bury it in the grave yard.
Q I want you to tell the truth about this. I want to know, did Sam Byrd want your wife to swear to a lie about this case? A Yes, sir. That is the truth. He did. He offered to pay her. He offered to pay her expenses and said she would not lose anything.
Q When Sam Byrd came here to try to get you wife to swear that the child lived two months did he know that she knew better than that? A Yes, sir, he knew that the neighborhood knew it.
Q That that was a lie? A Yes, sir, an absolute lie. That is all there is to it.

CAROLINE RUTHERFORD, being duly sworn, testified as follows

BY THE COMMISSIONER:
Q What is your name? A [illegible] Careline Rutherford.

Q How old are you? A About sixty.
Q What is your post office address? A Grayson.
Q You have testified in this case before have you not? A Yes, sir.

By Mr. DeGraffenreid:

Q Were you present when there was a child born to Martha Byrd, in April, 1901? A No, sir.
Q You were not present when this child was born? A No, sir. She never had one in April.
Q What month was it? A March.
Q Were you present when that child was born? A No, sir.
Q When were you there after it was born? A The next day.
Q Was that child dead when you were there? A Yes, sir, it was dead when I went there and they had carried it off and I said, "Sam what d did you treat me that way for, you know I was waiting on your wife," and he said"it was done so quick I didn't have time. I went after her mother to stay with her and when I got back it was here.
Q Was it a premature birth? A Yes, sir.
Q How long did Sam tell you that child lived? A He said it didn't live no time.
Q Was it born dead? A I was not there.
Q Did Sam tell you it was born dead or alive? A I don't remember whether he told me that or not.
Q You were there the next day and never saw the child? A Yes, sir.
Q If it had been there you would have seen it? A Yes, sir.
Q Did Martha say anything to you about the child being born and died? A No, sir.
Q What did she say? A I told her not to go out in the field and burn brush, if she did she was going to lost the child.
Q What did she say about the child? A I never asked her. I knew it could not live from the time it was born.
Q Do you know what was done with that child? A No, sir. I don't know who buried it. I know it was not there when I got there.
Q Has Sam been to see you since he was before the Commission the last time? A yes, sir.
Q What did he want? A Sam says, "what did you testify to that Marshall that was out here." I said,"was that a marshall?" and he said,"Yes, sir." I said "I didn't know it." He said, "I want you to take back some things that you said to him." and I said, "No, sir, the truth is truth."
Q Did he offer to pay you to go down and change you testimony? A Yes, sir, said I wouldn't lose nothing if I did go down and change my evidence.
Q And you refused to go? A I told him I wouldn't do it.
Q What did he say then? A He said he would get witnesses to prove I wasn't there and I told him I told the Commission I was not there, and he said, "Did you tell them the month?" and I said, "No, sir, I didn't know the month."
Q Are you a Creek citizen? A No, sir.

By Mr. DeGraffenreid:

It is hereby agreed by R. P. DeGraffenreid, representing applicant for enrollment, that the Commissioner may proceed to take the evidence of any witnesses in the absence of the applicant in this case or his attorneys.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 14 day of April, 1906.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Henryetta, I. T., April 2, 1906.

In the matter of the application for the enrollment of Willie Byrd, deceased, as a citizen by blood of the Creek Nation.

TOM HAWKINS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Tom Hawkins. I am sometimes known as Tom Kemp.
Q How old are you? A Forty-one.
Q What is your post office address? A Henryetta.
Q Are you a Creek Freedman? A Yes, sir.
Q Are you acquainted with Sam Byrd and his wife, Martha? A Yes, sir.
Q What relation are they to you? A Martha Byrd is my niece.
Q Do you know a child of theirs named Willie Byrd? A No, sir.
Q Do you know whether they ever had such child? A I heard they had it but I never went to see it at all.
Q The child is dead is it? A Yes, sir.
Q Do you know when it was born? A No, sir, I couldn't give you the date.
Q What season of the year was it? A In the Spring.
Q Do you know when it died? A It was in the same Spring, I don't know what month.
Q Do you know how long that child lived? A No, sir.
Q Did you ever see it? A No, sir.
Q How soon after the child was born were you at their house? A I don't know.
Q Were you at the house shortly after she had that child? A No, sir, I was not there under a week or two weeks. I was at Muskogee a week.
Q Was the child born while you were gone? A Yes, sir. It was born that same day I left.
Q Was the child dead when you came back? A Yes, sir, I think it was, I never seen it.
Q Do you know whether or not that child was born alive? A No, sir, I don't know whether it was or not.
Q You did not attend the funeral of the child? A No, sir.
Q Has Sam Byrd ever asked you to be a witness in this case? A No, sir, I don't know anything about it.
Q Has he ever talked to you about it? A He told me about two years ago he was going to try to get it enrolled.
Q What did he tell you he wanted you to testify to? A He didn't want me to testify. I told him I didn't know anything about it and wasn't going to have anything to do with it.
Q The mother of the child has testified that you dug the grave. Is that true or not? A Not true, I don't think, because I wasn't there
Q You didn't dig the grave? A No, sir.
Q Did Jesse Scott dig the grave? A Not as I know of.
Q You are both deacons in the same Church, are you not? A Yes, sir
Q Do you know where the child was buried? A No, sir.
Q Who attended on Martha when the child was born? A I think, Martha's mother, Hettie Hammond. Her and my mother was there.
Q Did Hettie Hammond ever tell you anything about the child? A No, sir, only I heard her say Martha had a child.
Q If that child had lived you would have seen it, would you not? A I think I would. I don't visit Martha much.
Q Are you positive the child didn't live as much as a month? A No, sir, I wouldn't say that.
Q

Q How long was it after the child was born that you were at their house? A It may have been one or three weeks. I stayed at Muskogee a week and then I came home I was very busy. I came by the house and talked to them.
Q Was the child dead? A I guess so.
Q Did they tell you it was dead? A I asked him how was the people and he said Martha was getting on all right.
Q The child was not mentioned? A No, sir.
Q What do you positively know about that child? A To be positive I don't know nothing
Q You never saw the child? A No, sir.
Q And was not present at the funeral of the child? A No, sir.
Q You didn't dig the grave? A No, sir.
Q Do you know Sam Byrd? A Yes, sir.
Q What relation is he to you? A Nephew.
Q He testified in this case and swears that you were present when the child died. Were you present? A No, sir, I wasn't present.
Q Then that statement of his is not true? A No, sir. My brother was living at the time that child died. It might have been him.

LURINA HAWKINS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Lurina Hawkins.
Q How old are you? A About eighty.
Q What is your post office address? A Henryetta.
Q Do you know Sam and Martha Byrd? A Yes, sir. Martha is my grandchild.
Q Did you know a child of hers named Willie Byrd? A I don't know nothing about it. I don't know whether it was a boy or gal.
Q Were you present when her first child was born? A No, sir. I wasn't there.
Q What do you know about the first child she had? A I don't know nothing at all about the first child she had. I don't know a thing about it.
Q Did she have a miscarriage with her first child? A That is what they say. I never did see it.
Q You were not present when that miscarriage occured? A No, sir, I wasn't there.
Q How long was it after that time before you saw Martha? A About two weeks.
Q Did she have the child then? A No, sir, she didn't have no child. When I seen her she didn't have none.
Q Who waited on her during that miscarriage? A Her mother, Hettie Hammond. She told me the child wasborn dead. I never seen it but she told me so. She said she had a miscarriage.
Q Martha Byrd swears that you were present when the child was buried Is that true? A No, sir. I don't know where the child was buried.
Q You were not present? A No, sir.
Q That statement is not true? A No, sir. I don't know nothing about that child.
Q What time of the year was it that Martha had that miscarriage? A It was sometime in the Spring. Along about in March sometime and they hadn't planted a bit of cotton yet.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 14 day of April, 1906.

_____

[redacted] I.T.D.

[redacted]

In the matter of the [redacted] for the enrollment of Willie Byrd, deceased, as a [redacted]

D E C I S I O N.

The record in this case shows that on May 10, 1904, Martha Byrd appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Willie Byrd, deceased, as a Creek Freedman. Further proceedings were had December 15, 1905, January 12, January 30, April 5 and April 6, 1906.

The evidence in this case is contradictory as to the dates of birth and death of said Willie Byrd, and is sufficient to warrant a presumption of fraud.

A preponderance of the evidence establishes the date of birth of said Willie Byrd as April 6, 1901, and the weight of evidence conclusively shows that said applicant did not live more than one month after his birth.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Willie Byrd, deceased, as a Creek Freedman, and the application for his enrollment as such is accordingly denied.

Commissioner

Muskogee, Indian Territory.

JUN 28 1906

Cr.Mn. 483.

Muskogee, Indian Territory, July 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Willie Byrd, deceased, as a Creek Freedman, including the decision of the Commissioner, dated June 26, 1906.

Respectfully,

LL-172.

Commissioner.

Through the
Commissioner of Indian Affairs.

Cr.Enr.483.

Muskogee, Indian Territory, July 2,1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Byrd, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LM-171.

Commissioner.

Cr.Jn. 488.

Muskogee, Indian Territory, July 2, 1900.

R. P. DeGraffenried,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Byrd, deceased, as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

LM-170.

Commissioner.

Cr.Jn.468.

Muskogee, Indian Territory, July 2, 1904.

Martha Byrd,

Grayson, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Willis Byrd, deceased, as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Register.
IM-160.

Commissioner.

I.T.D. 8e-1907.
D.C.2224-1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 2, 1906, you transmitted the record in the matter of the application for the enrolment of Willis Byrd, deceased, as a Creek Freedman, including your decision of June 28, 1906, denying said application.

Reporting January 3, 1907 (Land 56646-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been returned to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 for Ind. Of.

Refer in reply to the following: Copy.
Land 56646-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 8, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 2, 1906, transmitting the record relative to the application of Willie Byrd, deceased, for enrollment as a Creek freedman.

On May 10, 1904, Martha Byrd applied to the Commission to the Five Civilized Tribes for the enrollment of her minor child, Willie Byrd, deceased, as a Creek freedman. Further proceedings were had December 15, 1905, January 12 and 30, 1906, April 5 and 6, 1906.

On June 28, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The evidence shows that Willie Byrd, the applicant, was born on April 6, 1901, and that he was not living on May 25, 1901, and is therefore not entitled to be enrolled as a Creek freedman under the provisions of Section 7 of the Act of June 30, 1902 (32 Stat. L. 500).

The decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

HRD--EH

Cr. En. 486.

Muskogee, Indian Territory, January 16, 1907.

R. F. DeGraffenreid,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 8, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, denying the application for the enrollment of Willie Byrd as a Creek freedman.

Respectfully,

Commissioner.

Cr. No. 488.

Muskogee, Indian Territory, January 15, 1907.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 8, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated June 28, 1906, denying the application for the enrollment of Willie Byrd as a Creek Freedman.

Respectfully,

Commissioner.

Cr. No. [illegible].

[illegible], Indian Territory, [illegible].

Martha Byrd,

Care of Samuel Byrd,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of January 8, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated June 26, 1906, denying the application for the enrollment of Willie Byrd as a Creek Freedman.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MAY 20, 1904.

In the matter of the application for the enrollment of Osa Heneha as a citizen by blood of the Creek Nation.

David Knight being duly sworn, testified as follows through official interpreter, A. Posey:

Examination by the Commission:

Q What is your name? A David Knight.
Q How old are you? A Twenty-nine.
Q What is your post office address? A Arbeka.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Arbeka.

Records of the Commission show that David Knight is regularly enrolled on Creek Indian card Field No. 1851, roll No. 5862.

Q For whom do you desire to make application for enrollment? A Osa Heneha.
Q Is he living or dead? A Dead.
Q What relation was he of yours, if any? A Brother-in-law.
Q Was Osa Heneha a full blood Creek Indian? A Yes, full-blood Sofka Indian.
Q How old was he when he died? A About 24 years old.
Q Was he married? A Yes.
Q What was his wife's name? A Salina.
Q Is she living or dead? A Dead.
Q How long has she been dead? A I don't know.
Q Did she die before or after the Creek land office opened? A After land office opened.
Q How old was she when she died? A I can't tell you.
Q Was she as old as Osa? A No she was younger.
Q What was her father's name? A Smiley; there he is.
Q What was her mother's name? A Arlinda.
Q Did Osa Heneha ever draw any money from the Creek Nation? A Yes sir.
Q What payments? A $14.40.
Q Did he draw any others? A Yes sir.
Q Did he have any other name? A No.
Q Do you know when Osa Heneha died? A I can't tell you; I got these witnesses.
Q Were you present in the country when he died? A No, I was in Oklahoma.

The 1890 authenticated tribal roll of the Creek Nation examined and the name Oscar Henehar found thereon at page 5, Alabama town; the 1895 payroll of the Creek Nation examined and the name Osa Heneha found at #154, Alabama town. Oscar Henehar is listed for enrollment on old creek census card #2836, together with his wife, Selina.

Excused and Nocus Holahta being sworn, testified as follows through official interpreter, A.Posey:

Q What is your name? A Nocus Holahta.
Q How old are you? A About 60.
Q What is your post office address? A Okemah.
Q Are you a citizen of the Creek Nation, Alabama town? A Yes sir, Fish Pond.
Q Did you know Osa Heneha? A Yes sir.
Q Was his wife your daughter? A Yes.
Q Did you live in the same place? A Yes sir, same house.
Q Were you present when Osa Heneha died? A Yes.
Q Can you tell the date of his death? A April 6th.
Q What year? A 1899.
Q How far did you live at that time from Muskogee? A I don't know.
Q Do you remember hearing of the circumstance of people beginning to file on their land? A Yes sir.
Q Was Osa Heneha dead then? A Yes sir.
Q Did he die before or after the Creek Land Office opened? A After.
Q Did he die; how long after to your best knowledge? A I don't know long.
Q Did you have a doctor in attendance when Osa Heneha died? A Yes sir.
Q What is his name? A Dr. Scott
Q Is he an Indian d ct r or whiteman doctor? A Whitemans.
Q Where does he li e now? A Sac and Fox country somewhere.
Q How long before Osa died was it that the doctor made his la t trip to see him? A The day before; he died the next morning.
Q Is Dr. Scott living? A Yes, I think so.
Q Did you have a funeral when Osa Heneha died? A ---
Q Did you have a gathering of the people when you buried him? A He don't think there was much of a crowd there; they were all sick of the smallpox; his wife was down with it.
Q What was the cause of Osa Heneha's death? A Smallpox.
Q Did he die with smallpox at the time that that disease was raging so badly in the Creek Nation? A Yes sir.
Q How far did he live from the place where it started? A It originated in Deep Fork.
Q How far was that from where Osa Heneha live? A It's some dist nce; if he was to start from his house this time today he would get there before dark today.
Q Did Osa Heneha take it soon after it broke out or later? A Some time after.
Q Did he die in your house? A In the camp; I sup ose they had a quarantine camp there(explains the inter reter.)
Q Who owned the house; the post house where he died? A White people doctors.
Q W s the house burnt after he got well or deied? A They didn't have any house; they h d tents; he is of the opinion that they burnt the tents afterwards.

Q Did Osa Heneha die in the beginning of the smallpox or near the end of it? A It was near the end.
Q How far did you live from where Charlie Coker lived? A Between 8 or 9 miles.
Q Did anyone keep a record of the persons who were in that tent?
A He don't know.
Q How is it that you know the exact date that Osa Heneha died?
A He says he went to the camp and found that he was dead and buried
Q Did they tell you the date that he died? A Yes sir.
Q Did they write it down for you in a book or on a piece of paper?
A No sir.
Q Do you know where he was buried? A In the old Cussehta Square Ground; it is a big burying ground near that place.
Q Osa Heneha's grave marked? A I suppose so; the old custom was such.
Q Is there a slab of any kind there on which is written his name and the day of his death? A I don't know; there's nothing but mounds of red dirt.
Q Who died after Osa Heneha in that camp? A He don't know.
Q Was he the last one who died? A He don't know.

Excused and Jonas Bear called, and being sworn testified as follows through Mr. Posey, official interpreter:

Examination by the Commission:

Q What is your name? A Jonas Bear.
Q How old are you? A About thirty.
Q What is your post office address? A Okemah.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Greenleaf.
Q Did you know Osa Heneha? A Yes sir; very well.
Q Is he living or dead? A Dead.
Q What disease caused his death? A Smallpox.
Q Did he die with the smallpox at the time that the disease was raging in the western part of the Creek Nation? A Yes sir, about the time the disease was under control.
Q Can you read and write? A No.
Q Do you know the date that Osa Heneha died? A It was April, 1899.
Q How do you know that? A Just knows it.
Q Do you know whether anyone wrote down in a book or on a piece of paper the date of his death? A Not that he knows; he says he has a record himself that he made.
Q How did you make that record? A He wrote the date of his death in Creek.
Q Can you write Creek? A Somewhat familiar with it.
Q You can write it, can you? A Yes sir.
Q What kind of a book is that date written in? A Just a piece of paper.
Q How long has it been since you wrote that on the piece of paper?
A The day that he died.
Q Did you have the smallpox? A Yes sir.
Q When did you have the smallpox? A The fever was on him when Osa Heneha died.
Q Were you in the same tent with him? A He was in a different tent
Q How far removed from Osa's tent? A Right near by.

Q Have you that piece of paper at home? He thinks he has.
Q Is it written with a pencil or pen? A With a pencil; he says he first made the record with a pen and afterwards traced it out with a pencil.
Q How large a piece of paper is that? A Small piece of paper.
Q Are you related to Osa Heneha? A No sir, but my wife was a sister of his.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 10, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 12th day of May, 1904.

Charles A. Sawyer

Notary Public.

In the matter of the application for the enrollment of [redacted], deceased, as a citizen by blood of the Creek Nation.

APPEARANCES: A. S. McKennon, Attorney for applicant.
M.L.Mott, Attorney for Creek Nation.

Alice B. Davis being duly sworn testified as follows:

Examination by the Commission:

Q Give your name, age and post office address. A Alice B. Davis; fifty one; Arbeka, Indian Territory.
Q Did you know Osa Heneha? A I did.
Q He is dead, is he? A Yes sir.
Q Do you know when he died? A He died after April 3rd.
Q After April 3rd? A Yes sir.
Q What year? A 1899.
Q What fixes it in your mind that he died at that time? A I was sent there to get the people to move to the camp; the smallpox had broken out among the Greenleaf people.
Q What camp was that? A I don't know the names of the camps, but it was about Nuyaka; up in that direction.
Q That wasn't the Charley Coker pest camp? A No sir.

Examination by Mr. McKennon:
Q How long after the 3rd of April when you saw Osa Heneha? A I don't know.
Q How long, about? A I expect it was about a week; the letter was written on the 3rd.
Q You have that letter at your home? A Yes sir.
Q When did you look at that letter? A Well, I was looking over my papers and saw it;well, I see it often.
Q Where did you see him? A I saw him at Greenleaf.
Q Wh was with you? A I believe Riley Brooks.
Q What conversation did you have with him there at that time?
A I told him that they wanted him to move to the pest camp.
Q Did he go? A Yes sir, he went.
Q Did he object to going? A No;he said he would wait till the old folks came back and he would ask them;the man was out hunting and I told them to tell him that they wanted him to go away from that place.
Q Were you quarantined at your home in Arbeka? A Yes sir.
Q How long had you been out the quarntine there? A We were not out of quarantine; I just went from this place right over to reenleaf.
Q Did you have a good deal to have to do with the smallpox people, and the persons who were looking after them? A Yes sir; there was a man came from over there every day to find out if any of us were sick.
Q Were any of you sick? A I had been sick.
Q Do you know whether you had smallpox or not? A No; I had variloid.
Q You were vaccinated? A Yes sir.
Q Were you confined at any time? A About six weeks.

Q How long had you been out when you went to see Osa Heneha?
A I don't know; I had not been out very long.
Q As much as a week? A I expect so.
Q Did you go to see others on the same business? A Not after they were in quarantine.
Q I mean at the time you went to see Osa Heneha? A I didn't go only to that one place.
Q Do you know where Nokus Fixico and his family were at that time?
A Yes sir.
Q Where? A Across the river about three miles, I think from Arbeka.
Q Is that what they called the Nokus Fixico camp? A I think so.
Q You were in the neighborhood there-- you didn't go to it? ANo sir.
Q Did you understand that it was in existence at that time? A Yes sir.
Q Can you fix the time when it was destroyed, according to your knowledge of things there? A I can't.
Q Did Osa Heneha go to the camp that Nokus Fixico's people were in?
A No sir; the Charley Coker pest house was a different one from Nokus Fixico's; there was two camps; Charley Coker's was at his home and Nokus' was at another place.
Q Was Nokus' in the Seminole Nation? A No sir, in the Creek country.
Q Wasn't Nokus Fixico at Charley Coker's? A I don't know; they were at one place and Osa Heneha was at another.
A These two,places may have been known as Charley Coker's pesthouse
Q How far apart were they? A About two or three miles.
Q How long have you lived in that country, Mrs.Davis? A About 24 years.
Q Do you know that country very well? A I do.
Q What business were you engaged in there? A Mercantile business and farming.
Q Then you are acquainted with all that country? A Yes sir.
Q And you say now that Nokus Fixico's camp was about 2 or 3 miles from the Charley Coker's house? A Yes sir.
Q- You mean two or three miles from where Charley Coker lived? A Yes.
Q There was a pest house at both of these places? A He was quarentined at one place and Nokus was at another.
Q And when they speak of the burning of his residence, what place does that refer to? A I don't know.
Q Did he own any place where Nokus was? A I don't know; I think not, though.
Q Where did Osa Heneha die? Where did he go to? A He died in a pest camp North of Greenleaf.
Q Not in either one of these you spoke of? A No.
Q What direction was that from Charley Coker's camp? A Northeast.
Q About how far-- do you know? A I expect about 10 or 12 miles.
Q How long after you saw Osa Heneha until you heard of his death?
A A It must have been about 3 weeks.
Q Now about what time would that make his death- fix his death?
A I don't know;it was three weeks from the time I was there.
Q You think you were there about three weeks after you received the instructions? A Well, he may have been dead sometime before we heard it

Examination by Mr. Mott:
Q Are you any relation to this party you are talking about? A I am not.
Q Well, when was it you say you went to see him there? A I said it was after the 3rd of April, 1899.
Q Why did you say you remember it was the 3rd of April? A I had a letter from parties in charge that wanted me to go and interpret for a doctor that was with us asking these people to go to the pest camp.

Q You had a letter from the doctor? A No; the doctor went with me to this camp.
Q From whom was the letter? A From the parties who had charge of the camp.
Q Who was that? A Patrick.
Q Know him? A No, not until smallpox broke out.
Q Why did you know him? A He had been staying with us and I went to see the parties.
Q Who had been staying with you? A Mr. Patrick.
Q Well, you did know him then? A I did at that time; I didn't before.
Q How long did you know him before that? A He had been to my house and gone back to the Agency.
Q Never knew him before? A I saw him several times; he boarded with us
Q Did he have charge of the pest camp? A I think so.
Q Did you come here to testify in this case? A No sir.
Q What brought you here? A I am administratrix in the other case and I was summonsed here.
Q When did you learn that you would testify in this case? A This morning.
Q When did you make this evidence known to the Captain there?
A I don't know just when; I have talked with Dave Knight about it and he knew I was there and saw this man and asked me about it.
Q Was it known that you were going to testify in this case? A I knew that if they called on me I would testify.
Q Was it understood among the parties representing the deceased,-- did he know these facts? A Yes sir, he did this morning.
Q Not till this morning? A No sir.
Q Didn't he know till this morning if you would testify? A I don't think he did.
Q The reason I asked is-why you didn't bring this letter. (Attorney for applicant explains that he was never interested in this matter until yesterday evening.)
Q And the only way you have of fixing it in your mind is that letter? Can you produce that letter? A Yes sir.
Q Will you produce it? A I can.
Q Will you send it to the Commission? A If I find it I can; I think I have it in my possession with my papers.
Q When did you see it? A I have seen it several times.
Q Well, have you looked at it since this case has been agitated, as to when this man died;-- have you looked at it since that time to see when it was written? A I was trying to fix the dates of the other, and looking at it.
Q What others? A Nokus Fixico.
Q Have you ever been a witness in the Nokus Fixico case? A No sir.
Q Did you live near the Fixicos? A Yes sir.
Q How near? A About 3 or 4 miles, I think.
Q Do you know, when the Fixicos were sick? A I know about the time.
Q If you were administratrix, in that case, why is it you have never testified in it? A They have never called on me.
Q Well, they didn't have to; you are lookin after the interests yourself. A I didn't think it was necessary.
Q Don't you know it to be a fact that the Fixicos died before April 1st? A No sir, I don't.
Q That letter was written on what day, that you have reference to?
A On the 3rd day of April, 1899.
Q Written by the man that you interpreted for? A Yes sir.
Q Did he write it? A He may have written it; it was typewritten.
Q Why was it you interpreted for him, if he could write? A We were talking to Indian people, and he could not speak Indian.
Q You were interpreting the Creek for him? He could talk English?
A Yes sir.
Q Was he Indian himself? A No sir.
Q White man? A Yes sir.

Q How far did you live from this man, Osa Hensha? A About 6 miles, I think.
Q You were sent to go up there to get him to go to pest camp? A To get the family to go; there was a number sick in the camp.
Q Was that on the idea that you had had the smallpox and were immune? A They only wanted me to go cause I could talk Indian; we didn't go up to the house.
Q Who did you talk to? A Osa Hensha himself; he came out.
Q The man that was sick? A He wasn't sick at the time; his wife was sick.
Q His wife had smallpox? A Yes sir; she afterwards died.
Q They didn't move then? A They did;they moved and he died in the pest camp;his wife diedthere at Greenleaf.
Q Did you see his father? A No, I didnn't; his father-in-law.
Q Was he there? A No sir.
Q How long had this camp been established that they wanted to send him to? A Several weeks.
Q Was that about the l ast of the cases of smallpox in that section? A I think so; I don't know.
Q You had been taken from quarantine? A I wasn't out of quarantine then.
Q You had been out of bed for sometime? A No.
Q You had been sick 6 weeks? A I said we had been in quarantine 2 or 3 weeks.

Statement: (Attorney for Creek Nation states that as this letter she has sworn is the only means of fixing this date-- "I don't know what I can do except to ask the Commission not to close this case until that letter is produced.)

Attorney for applicant says he wants to introduce that letter now.

By Mr. Mott:
Q Where is that letter? A Here it is.
Q How come the Captain with it? A I gave it to him.
Q When? A This morning.
Q Why did you say a while ago this letter was at home? A I didn't say so.
Q You said you had a letter from a man named Patrick asking you to go to this man's place and see if you couldn't get them to go to the pest house; is there anything of that kind in the letter? A The message was brought----
Q You swore two or three times in this examination that you had a letter from Mr. Patrick-- that you did get a letter written on April 3rd, in which you were requested to go to this house where this sick man was and ask them to go to the pest house; didn't you swear that? A The messenger was with the man.
Q Didn't you swear that , Mrs. Davis? A Well, the message and the letter was one and the same.
Q Well, you don't fix your memory, then, by the letter of April 3rd, but you fix it by the messenger? A I had a message at the same time I had the letter.
Q Who brought the letter? A I don't know whether that letter came by mail or messenger.
Q If it came by mail, how could you get a message? A This doctor came to my house to get me to go with them with a message from Lee Patrick.
Q You just now stated that a message came with this letter, implying that the messenger brought the letter; now you imply that it came by mail; if it came by mail, how could you get a messa e? A Maybe I did not get the message.

Q Well, now, did you get the message, or not? A I did.
Q Who brought it? A I can't say.
Q Didn't you say a minute ago that the doctor brought it? A I know that the doctor came to my house and I went with him at his request.
Q Now you say you don't know who brought it, and didn't you say a minute ago that the doctor brought it? A I know that I am telling the truth.
Q That's what I want you to do, and I want you to reconcile it; I am not questioning that point. A I may make a mistake.
Q Well; you are a sensible woman- administratrix and a merchant.
A It don't take a very sensible person to be administratrix, does it?
Q Well, it don't take a very sensible one to tell the truth, does it?
(Attorney for applicant objects to the question.)
Q You stated that you had a message? A I refuse to answer any more questions of that kind.

By the Commission:
On that line, the Attorney for the Creek Nation has a perfect right to ask any questions along this line in a proper kind of a way as to the facts; that's all right.

By the witness:
I thought that he was implying that I wasn't telling the truth.

By Mr. Mott:
I made no such assertion.

By the Commission:
If he asks an improper question, you have an attorney to object to it.

By witness:
Well, he didn't want him to object.

By the Commission:
The attorney has a perfect right to object to that question and then we will decide whetherit is a proper question or not.

By Mr. McKennon- to witness:
Answer every question you can, and if you cannot, just say so.

Examination by Mr. Mott:

Q What did you say about this now, Mrs. Davis? How do you fix the date as being the 3rd day of April, 1899, that you went up there? A I remember that it was in warm weather.

By the Commission:
A letter dated March 25, 1899, to Mrs. J.R. Davis, Arbeka, Indian Territory, signed Lee Patrick, United States Indian Agent, is made part of the record herein.

Q This letter was to you, was it? A Yes sir.
Q J.R.Davis was intended for you? A Yes sir; it should have been A.R. Davis.

Also a letter dated April 3, 1899, addressed to Mrs. A. B. Davis, signed Lee Patrick, United States Indian agent, is made part of the record herein.

By Mr. Mott:

Q Have you any letter other than this from him? A I think not ; I think I had one letter--

Q You say you have no other letter from Mr. Patrick except this? A None that I know of.

Q This is the letter you had reference to when you said you fixed the date from this letter asking you to go up there? A Yes sir; I got the request and the letter confused; there was a request too and I got it confused.

Q How did you receive this letter, do you know? A I don't know.

Q Do you know whether you got it through the mail? A I don't know.

Q Or through a messenger? A I don't know.

Q If you got it through the mail, then you didn't get a message, did you? A Not with the letter.

Q Do you know who brought the message if any was brought? A This doctor came to me and asked me to go with him and I went.

Q Was that b fore the letter was written? He didn't go with you up to this house, did he? A The doctor?

Q Yes. A He did; went with me.

Q Went with you up there? A Yes sir, he talked to these people and I interpreted.

Q Well, now, isn't it a fact that the day you went with him to the house, that that was the time he asked you to go? After all these mistakes, to the best recollection- wouldn't the safest solution be that that was the day? Might you have received it that day?

A It might be.

Q That might have been the time you was asked to go? Because you did go? A Yes sir.

Q And this letter you spoke about-, it does not bear on your going up there at all, does it? Has no reference? A I know it was after this letter was written I went there.

Q These letters that you say refresh your memory have no reference? A(No answer).

Q But you say you did go up there with the doctor; Doctor who? A Dr. Scott.

Q And the doctor on the day that you went up there asked you to go with him; and that might be the message that directed you and influenced you to go up there; isn't that so? A Yes sir.

By the Commission:

Q Was Osa Heneha taken to a pest camp? A He was.

Q What camp was that? A I never knew the names by which they were called; I know it was the Nuyaka neighborhood.

Q How far was that from Charley Coker's pest house? A About 18 miles.

Q Had you acted as interpreter in this smallpox business before you received those letters? A I had.

Q Did you receive pay for that? A That $6.00 he mentions in that letter is the only thing I had.

Q Was Dr. Scott in charge of the pest house? A I don't know.

Q Is he living? A I don't know.

Q Where did he live at that time? A I think he was just over in those camps; I don't know where he lived.

Q You don't know where his residence was? A I don't.

Q Did you know Osa Heneha's wife? A Yes sir.

Q What was her name? A Salina.

Q She is dead, is she? A Yes sir.

Q Which died first; Salina or Osa? A Salina died first.

Q Do you know how long first? A Only a few weeks.

Q She died of the smallpox also? A Yes sir, she was lying sick when I went there to talk to Osa.

Reference is made to Creek Indian card 2677.

Q. Mrs. Davis, do you know whether or not that Emmaline Coker post house had been broken up wrongfully that last letter? A I think not.
Q. You are not positive whether or not? A. It wasn't broken up.

It is ordered that copies of the testimony in this case be made part of the record in the case of Hollis Hinkey, et al., and that copies of the testimony in that case be made part of the record in this case.

By Mr. McKennon:
Q. Do you remember whether the grass was up when you went up there to see Osa Hemmat? A I don't know; I don't remember that.
Q. Do you remember anything about whether they had planted or whether gardens were made? A. No sir; I don't; don't remember.

Henry G. Haines being duly sworn on his oath states that as stenographer to the Commission to the five civilised tribes he reported the above testimony and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 4th of August, 1904.

M. G. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

Sac and Fox Agency, Oklahoma Territory,

March 25, 1899.

Mrs. J. R. Davis,

Arbeka I. T.

Dear Madam and Friend :-

Your letter of the 22nd instant received.

I am pleased to know that you are out again and that your family were not cursed that that dreaded disease.

We are getting along very nicely at the pest camps in the Creek Nation and I believe we will be able to discharge all patients within the next thirty days, we have some that are yet very sick but I do not thing we will have more than three or four more deaths.

It has broken out very bad among the Sac and Fox Indians North from here, fourteen have died and there are 29 in hospitals, have vaccinated all of the well ones and if we have favorable weather I think the death rate will be very light.

I have received no help what ever from the Union Agency up to date, although they have promised to give additional help in the office, so much of this work, together with my office work, is telling on me and I cannot stand it much longer, if it were not for the distress of these poor people I would have quit it long ago; from the

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

Department at Washington I hardly get a "thank you", there is no extra pay but I do hope that some of these poor people that I have tried to help will appreciate what is done.

As to your sickness I am at a loss what to say, at the time your were taken sick I was quite positive you had smallpox or variloid, in thinking it over since them it has occured to me that it might have been from you vaccination although you were a stoker person than any I have seen from vaccination and you were taken sooner after vaccination than usual, it was also about the right time for you to be taken sick from your exposure by Nocus Fix.go.

Dr. Berry informed me that he would take care of you and the family as you were Seminoles, my authority being only among the Creeks, I certainly would have provided for you, if he had not said what he did, without regard to Tribe.

I think Dr. Berry was sincere in his actions and intended them for the best, it might be however that he made a mistake in pronouncing it smallpox but we are all liable to such mistakes, I am not a physician however and not in a position to say that he did make a mistake. At the time we looked at you through the window there were red splotches on your face but they were very small and looked like measles. I appreciate the fact that you were much damaged by the quarantine upon yourself and household but you must

consider that strict precautions must be taken in such cases even though it may work a hardship.

Your situation when I reached you was very critical with the exposure you had had and you should be thankful that you escaped without the loss of life in your family which would be far worse than any financial loss to you.

I enclose a check to you for $6 to pay for your service as interpreter and use of your team and my board bill.

If you ever come up into this part of Okla. I will be pleased to have you come to my home and meet my family.

Thanking you again for your kindness to me while stopping with you, I am

Very respectfully

Lee Patrick

U. S. Indian Agent.

Return this when you
have read it -

Kelton

DEPARTMENT OF THE INTERIOR,

UNITED STATES INDIAN SERVICE,

Sac and Fo Agency, Oklahoma Territory.

April 3, 1899.

Mrs. A. B. Davis :-

Arbeka I. T.

Dear Madam and Friend :-

Your letter of the 29th instant received.

I have sent Dr. Scott down to investigate the new outbreak. Last of you, there are two cases and eighteen exposed, they are arbitrary and will not be moved or receive treatment, sent the Dr. back again yesterday and try once more, if he does not succeed I will put guards around the settlement to stay night and day and let them do their own Doctoring. I do not like to do this but it is the only alternative.

Balance of Creeks are about well, 16 Sac and Foxes dead, forty sick. With kindest regards

Very respectfully

Lee Patrick

U. S. Indian Agent.

Through Alex Posey, Official Interpreter.

By COMMISSION:

Q What is your name? A [illegible] Harjo.
Q How old are you? A About sixty.
Q What is your post office address? A Bearden.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Fish Pond.
Q Did you know Osa Nemeha? A Yes, sir, was well acquainted with him.
Q Is he living or dead? A He is dead.
Q When did he die? A He died of the smallpox at the Charley Coker Pest-house several years ago.
Q Was that before or after the Creek Land Office opened? A It was before the Creek Land Office opened.
Q In what month did he die? A Right after Christmas in December.
Q How long before the Creek Land Office opened? A According to my best recollection the Creek Land Office was opened in the Spring following his death.
Q What month did the land office open? A I am not certain but it was either in March or April.
Q Are you positive then, that Osa Nemeha died before the Creek Land Office opened? A Yes, sir. He died three or four months before the Land Office opened.
Q How old was he at the time of his death? A He was about twenty-five years old.
Q Was he married? A Yes, sir.
Q What was the name of his wife? A Selama.
Q Is she living? A She is dead.
Q How old was she at the time she died? A About twenty-eight years old.
Q When did she die? A They died at the same place about the same time. She was a member of Greenleaf Town.
Q Did they have any children? A No, sir.
Q To what Creek Town did Osa Nemeha belong? A He belonged to Alabama Town.
Q How far were you living from the Charley Coker Pest-house at the time he died? A About two miles.
Q Was the Charley Coker Pest-house burned when abandoned? A Yes, sir.
Q Do you know when that Pest-house was burned? A I think the pest-house was burned in April.
Q Was it burned before or after the opening of the Creek Land Office? A It was burned before. The land office was opened shortly after the burning of the pest-house.
Q Were you at the Charley Coker place after the pest-house was burned? A Yes, sir.
Q How long after? A Right after it--two or three days after it was burned.
Q And you are positive that Osa Nemeha died before the Pest-house was burned? A Yes, sir, I am positive.

Subscribed and sworn to before me this

D. 3533.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Okemah, I. T., October 19, 1906.

In the matter of the application for the enrollment of Susie Holahta, deceased, as a citizen by blood of the Creek Nation.

ARLINDA HOLAHTA, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Arlinda Holahta.
Q How old are you? A I do not know how old I am.

Witness appears to be about fifty years old.

Q What is your post office address? A Okemah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Green Leaf.
Q Did you have a daughter named Susie? A Yes, sir.
Q Do you know when she died? A No, sir. I have never been able to determine the exact date of her death.
Q Have you ever executed an affidavit as to her death? A I have a faint recollection of signing some paper for Alice Davis.
Q There is on file in the office of the Commissioner an affidavit, executed by you and Pilot, May 5, 1902, stating that Susie Holahta died on the nineth day of September, 1899? A I do not now remember executing such affidavit. If such affidavit was ever executed it must have been executed by Alice Davis without my knowledge.
Q Who is Pilot? A He is a boy who lives with us. I cannot understand how his name was signed to an affidavit, because he would have been only a child at that time. He could not have possibly known the date of Susie's death.
Q How old is Pilot? A He is not yet ten years old.
Q Is Pilot a relative of yours? A He is a child of my sister who is dead.
Q Did Alice Davis ever come to see you with reference to making application for the enrollment of Susie? A I do not remember of ever having a conversation with her about Susie.
Q How many years do you think it has been since Susie died? A I do not know.
Q Did you have another daughter named Salama? A Yes, sir.
Q Do you know when she died? A I do not know. She died with the smallpox, in this house here. She was the wife of Osa Heneha.
Q Was Susie living at the time Salama died? A No, sir.
Q How long at Susie been dead when Salama died? A According to my best recollection Susie had been dead something like two years when Salama died. Salama is also known as Selina.
Q Which died first Salama or Osa Heneha? A Salama died first.
Q How long after Salama died before Osa Heneha died? A Four days afterwards. After Salama died Osa Heneha was taken to the smallpox post-camp at Hillabee Hutche and died there.
Q Was that in the Spring of the year or in the Winter? A I think it was in April.
Q Was the weather cold? A Yes, sir.
Q What time in April was it? A About the first.
Q Have you a daughter named Larney? A Yes, sir. This is her. (indicating a girl who appears to be about 16 years of age)
Q How old is Larney? A I don't know. You might tell by looking at her teeth.

Subscribed and sworn to before me this [illegible] day of [illegible]

Notary Public.

[redacted]

In the matter of the application for the enrollment of Osa Heneha, deceased, as a citizen by blood of the Creek Nation.

JONAS BEAR, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Jonas Bear.
Q How old are you? A Thirty.
Q What is your post office address? A Okemah.
Q Are you a citizen of the Creek Nation? A yes, sir.
Q To what town do you belong? A Greenleaf.
Q Were you acquainted with Osa Heneha? A Yes, sir, he was my brother-in-law.
Q Do you know when he died? A He died on the morning of April 8, 1899, in the pest-camp on Hillabee Hutche. He was taken from my father's house to the pest-camp on April 6, I was already in the camp. They brought him in in the middle of the afternoon and put him in a separate tent, near mine. He was a very sick man, unable to stand up. On the night of the 7th he began to vomit blood, and at about six o'clock on the morning of the 8th the nurse told me he was dead.
Q You have heretofore given testimony in this case have you not? A Yes, sir.
Q You stated in your testimony at Muskogee, May 10, 1904, that you had a record of Osa Heneha's death. Have you that record now? A I had a record at that time, among my papers, but I have been unable to find it. It was written on a small piece of paper and must have been misplaced or lost.
Q Are you positive as to the date of his death? A Yes, sir.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 20 day of Dec 1905.

Ed Bruner
Notary Public.

[redacted] OF [redacted]

COMMISSION[redacted]

Irene, I[redacted]

In the matter of [redacted] application for the enrollment of [redacted] as a citizen by blood [redacted] Creek Nation.

LOUISA PICKUP, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Louisa Pickup.
Q How old are you? A I was [redacted] years old before the Civil War.
Q What is your post office address? A Irene.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Fish Pond.
Q Did you know Osa Kenehe? A I did.
Q Do you know when he died? A I was in the same post camp with him at Killabee Hutche. It was in the Spring. The leaves were getting green. I was taken to the post camp after I had begun making garden-- I had planted my potatoes. When I was taken there his wife, Salina, was very ill with the smallpox, at the home of her father, Yeosa Hutkena, and was unable to be removed to the camp. She died on the day I was taken there or sometime that night, and on the following day Osa Kenehe was stricken with the disease and taken to the post-camp. He only lived three nights and died in the early morning.
Q How many days had he been in the post-camp? A He died in the early morning of the third day after he was taken there.
Q In what month was that? A I think it was in April; I know that it was in the Spring.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 30 day of Dec 1908.

Edwards
Notary Public.

Cr.Rn.484.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Okemah, Indian Territory, November 9, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken October 20, 1905, and November 2, 1905, in the matter of the application for the enrollment of Osa Heneha, deceased, as a citizen by blood of the Creek Nation, together with copies of the testimony heretofore taken in said case.

Please advise me if further evidence is desired in said case.

Respectfully,

Allen Reavis

Clerk in Charge Creek Field Party.

No. 264

[redacted]

[redacted], Indian Territory, January 6, 1906.

In the matter of the application for the enrollment of Osa Keneha, deceased, as a citizen by blood of the Creek [redacted]

John Beaver being duly sworn testified as follows, partly through Alex Posey official interpreter:

Q What is your name? A John Beaver
Q What is your age? A Around fifty
Q What is your post office address? A Bristow.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Did you know Osa Keneha? A I think I did.
Q Do you know whether he was in that small pox camp where you were quarantined? A I don't remember, might be a fellow I knew who went by another name.
Q Do you remember them bringing in a young man from one of those other camps down there along some time in April who lived only a day or two in that camp you were in? No answer.
Q We have testimony that a young man was brought in who was very sick and died shortly afterwards and that he was the last one who died there. A Yes, sir he died. Those were the last cases that died but I couldn't say what month they died. Hocus Harthlolkee brought in from Alabama town.
Q About what month was that? A I don't know what month it was.
Q Do you know if it was after April 1st? A I couldn't say whether it was April 1st or last part of March. I can't remember.
Q Do you think Hocus Pixico would know that? A Hocus Harthlolkee would know.
Q Do you think that Jonas Bear would know about it? A He would. He had the small pox. Dr Scott would know about Osa Keneha, he was his last patient.
Q You think then that Osa Keneha the son inlaw of Hocus Harthlolkee was that young man brought in sick from another camp to yours? A Yes, sir.
Q How long did he live? A He was there may be four or five days. He had a high fever. Hocus Harthlockee would be the one that would know.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my stenographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me
this 6 day of January 1906.

[redacted]
Notary Public.

Cr. En.484. I.S.W.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Osa Heneha, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on May 10, 1904, David Knight appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of Osa Heneha, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had on July 22 and November 8, 1904, October 20 and November 2, 1905 and January 3, 1906. Record of proceedings had October 19, 1905, in the matter of the application for the enrollment of Susie Holata, deceased, as a citizen by blood of the Creek Nation is also attached to and made part of the record in this case.

The evidence herein shows that said Osa Heneha is identified on the 1890 authenticated roll of the Creek Nation under the name of Oscar Henehar, and on the 1895 payroll of said nation.

The evidence further shows that Osa Heneha, deceased, died of smallpox during the epidemic of that disease which prevailed in the western part of the Creek Nation beginning in the winter of 1898 and ending in the spring of 1899.

Reference to the record and report of the Commission filed with the Department in the matter of the application for the enrollment of Mollie Fixico, et al., as citizens by blood of the Creek Nation, shows the following state of facts:-

That during the epidemic of smallpox, referred to, three pest camps were established in the Creek Nation, the first on Hillabee Hutche Creek, the second "about twelve miles east of Hillabee camp, near what is known as the old Taylor prairie"- "East of Paden", and the third south of Paden and known as the Charlie Coker pest camp; that pest camp No. 3 (erroneously referred to, page eight of said report of the Commission, as pest camp No. 1) was abandoned and burned March 29, 1899 and that the doctor in charge of pest camps and other attendants were located at camp No. 1 until April 17, the date on which the quarantine ended.

A preponderance of the evidence herein shows that Osa Heneha, deceased, was removed to and died at pest camp No. 1, subsequent to the burning of camp No. 3, and establishes the date of death as subsequent to April 1, 1899.

It is therefore ordered and adjudged that said Osa Heneha, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions

-2-

of the act of Congress approved June 28, 1898 (30 Stats., 495), and the application for his enrollment as above is accordingly granted.

Commissioner.

Muskogee, Indian Territory,

APR 14 1906

Orig.Enl.

Muskogee, Indian Territory, April [illegible], 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Osa Nemaha, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Osa Nemaha, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

KRA-22

Acting Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., MAY 11, 1904.

In the matter of the application for the enrollment of Minnie Sewel as a Creek freedman.

Mary Sewel being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Mary Sewel.
Q How old are you? A Thirty-eight.
Q What is your post office address? A Wewoka.
Q Are you a Creek freedman? A Yes sir.
Q To what Creek Indian town do you belong? A North Fork.

Records of the Commission show that Mary Sewell is regularly enrolled on Creek freedmen card Field No. 18, approved roll No. 78.

Q For whom do you desire to make application for enrollment? A Minnie Sewel.
Q Is she your child? A Yes sir.
Q What is her father's name? A Samuel Sewel.
Q Is he a citizen of the Creek Nation? A No sir.
Q He is a citizen of the United States, is he? A Yes sir.
Q Is Minnie Sewel living? A Yes sir.
Q Is she present here with you now? A Yes sir; here she is.
Q When was Minnie Sewel born? A The 12th day of April.
Q What year? A 1901.
Q Who was present in attendance on you when Minnie was born?
A Dineh Factor.
Q Did you have a doctor? A No sir.
Q Can you read and write? A A little.
Q Did you make a record of the date of her birth or have it made?
A Yes sir, had it made.
Q What was that record written in? A In a book.
Q Have you that record here with you? A No sir; it's in the bible at home.
Q Who wrote it in the bible? A My husband Samuel wrote it.
Q When was that written in the book? A 1901.
Q How long after the child was born? A About two weeks I guess.
Q Did any of your neighbors visit you soon after Minnie was born?
A Yes sir; Fanny Hall.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., MAY 11, 1904.

In the matter of the application for the enrollment of Minnie Sewel as a Creek freedman.

Mary Sewel being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Mary Sewel.
Q How old are you? A Thirty-eight.
Q What is your post office address? A Wewoka.
Q Are you a Creek freedman? A Yes sir.
Q To what Creek Indian town do you belong? A North Fork.

Records of the Commission show that Mary Sewell is regularly enrolled on Creek freedmen card Field No. 18, approved roll No. 75.

Q For whom do you desire to make application for enrollment? A Minnie Sewel.
Q Is she your child? A Yes sir.
Q What is her father's name? A Samuel Sewel.
Q Is he a citizen of the Creek Nation? A No sir.
Q He is a citizen of the United States, is he? A Yes sir.
Q Is Min ie Sewe' living? A Yes sir.
Q Is she present here with you now? A Yes sir; here she is.
Q When was Minnie Sewe' born? A The 12th day of April.
Q What year? A 1901.
Q Who was present in attendance on you when Minnie was born?
A Dinah Factor.
Q Did you have a doctor? A No sir.
Q Can you read and write? A A little.
Q Did you make a record of the date of her birth or have it made?
A Yes sir, had it made.
Q What was that record written in? A In a book.
Q Have you that record here with you? A No sir; it's in the bible at home.
Q Who wrote it in the bible? A My husband Samuel wrote it.
Q When was that written in the book? A 1901.
Q How long after the child was born? A About two weeks I guess.
Q Did any of your neighbors visit you soon after Minnie was born?
A Yes sir; Fanny Hall.

Q Where was Minnie born? A About 3 miles Northeast of Wewoka.
Q Do you live at the same place now? A Yes sir.
Q Is that in the Creek Nation or Seminole Nation? A Creek Nation.

Exposed and Dinah Foster called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Dinah Factor.
Q How old are you? A I think I ought to be about 60 years old.
Q What is your post office address? A Wewoka.
Q Are you a citizen of the Creek Nation? A Seminole.
Q Do you know Mary Sewel? A Yes sir.
Q Has she a child named Minnie? A Yes sir.
Q Were you the mid-wife in,attendance at the birth of Minnie? A Yes
Q Can you read or write? A No sir, can't read nor write.
Q Do you know how old Minnie is? A She is a little over three years old.
Q Do you remember the month or year when Minnie was born? A I don't remember the month exactly; I think it was about in March.
Q Do you rememberthe year that she was born? A No sir.
Q Do you know what year this is? A No sir.
Q Do you know what month this is? A Yes sir, I guess this is May.
Q Do you know what year it is now? (No answer.)
Q How near have you lived to Minnie since she was born? A About 4-1/2 miles from Mrs. Sewel in the Seminole Nation; she lives in the Creek Nation.
Q Have you lived there all the time since Minnie was born? A Yes sir
Q Have they lived in the same place? A Yes sir.
Q Have you seen them frequently? A Yes sir; she's my niece; I goes to see them often.
Q Who was the father of Minnie? A Sam Sewel.
Q What time of the year was it when Minnie was born? A In the Sprin I think it was along in March as far as I know about it but I can't speak it exactly right.
Q Do you live on a farm? A Yes sir.
Q How high was cotton at the time Minnie was born? A There was no cotton up at all.
Q Can you tell me how many crops have been raised since Minnie was born? A I think about 3 or; about 4 as far as I can recollect.
Q Are you counting this year or last Year's as the last crop? A I am counting this year- that would make four crops; it would be three years and more this year since Minnie was born.
Q Have you ever talked to Minnie? A No sir.
Q Can she talk? A She can talk.
Q How well can she talk? A I expect pretty well.
Q Do you make a business of waiting on people when they give birth to chil ren? A No sir, I never did make it a practice of doing such things but she was my niece and there was nobody to see to it and of course she sent for me and I went.

Q Do you remember of any other children of Creek citizens born about the same time that Minnie was born? A There was but I can't tell you exactly what time it was compared with Minnie's age at all; I haven't paid no attention.

Excused and Fannie Howard called and sworn, testified as follows:

By the Commission:

Q What is your name? A Fannie Howard.
Q How old are you? A About 37.
Q What is your post office address? A Wewoka.
Q Are you a citizen of the Creek Nation? A No sir.
Q Are you a citizen of any Nation in the Indian Territory? A No sir
Q Do you know Mary Sewel? A Yes sir.
Q How long have you known her? A Been knowing her 10 years.
Q Do you know a child of hers named Minnie? A Yes sir.
Q Do you know when that child was born? A Yes sir.
Q State the date? A 1901.
Q What month? A In April.
Q What day? A The 8th I think.
Q Can you read? A A little.
Q Can you write? A No sir.
Q How is it that you recollect the exact date of the birth of Minnie Sewel? A I can count some.
Q How is it you fix the date of the birth of Minnie Sewel? A I just knew it.
Q Do you of any other young children over about Wewoka? A Yes sir, there is Walter Lindsey's wife birth a child about the same time this Sewel child.
Q Was her child born before or after Minnie? A I think it was two days after.
Q What tribe was she a citizen of? A Of the Seminole.
Q Do you know of any other children over there in that neighborhood? A No sir, I don't.
Q Sam Sewel has no other children by Mary younger? A Yes sir.
Q What is the date of the birth of that child? A The 20th, if I don't make no mistake.
Q 20th of what? A March I think.
Q What year? A That's slipped my memory.
Q Did you visit Sam Sewel soon after the birth of Minnie? A Yes sir
Q How soon? A I believe it was on the 13th of April.
Q What year? A 1901.
Q What year is this? (No answer).
Q Do you know what month this is? A Yes sir, May.
Q Do you know the day? A (No answer).
Q What year is it? (No answer).
Q What year was last year? A 1903, wasn't it.
Q What year is this? A This ought to be 1904, oughtn't it?
Q How old is Minnie? A Three years old a little over a month.

Excused and Samuel Sewel called and [illegible]

Examination by the Commission:

Q What is your name? A Samuel Sewel.
Q What is your age and post office address? A Forty; Wewoka.
Q Are you a citizen of the Creek Nation? A No sir.
Q You are a United States citizen, are you? A Yes sir.
Q Do you know Mary Sewel? A Yes sir.
Q She's your wife is she? A Yes sir.
Q Did you have a child by her by the name of Minnie? A Yes sir.
Q Can you read? A Yes sir.
Q Can you write? A Yes sir.
Q Who was in attendance at the time that Minnie was born? A Dinah Factor.
Q Do you know Fanny Howard? A Yes sir.
Q Did she visit your house soon after Minnie was born? A She did the next day.
Q When was your child, Minnie, born? A April 12th, 1901.
Q Did you make a record of that date? A I did a little better than a week after; which I have all my childrens' names;I didn't think to bring it.
Q What sized bible is it? A About 6X8.
Q Is it a soft backed bible or board back? A Its board back.
Q What did you write the date in that bible with? A Pen and ink.
Q Could you produce that bible here? A I could.
Q Can Minnie talk? A Yes, she can say mighty near anything that th rest of the children can; talks very plain for a child.

Minnie Sewel the child for whom application is made is present at the time of this examination and would appear to be three years old.

(Statement by Sam Sewel: About a week or two after the child was born a man named Malott, a notary public, came to my house and made an affidavit and charged $1 for it and said he would send it here and I trusted to him to do so; but when I came back here about six or eight months after , they looked for that affidavit and couldn't find it; so they gave me another paper just like it to have filled out and we gave it to J. Johnson and he laid it away; yesterday I met Malott and asked him and he said its bound to be here cause he sent it; he said he would be here today if I needed him as witness, and he said he would and tell about making that affidavit.That was a few days after the first day of April, 1901.)

Q You have recently filed with the Commission a birth affidavit for Minnie? A Yes sir.
Q Where was this made out? A At Wewoka.
Q Whereabouts at Wewoka? A At Mr. Long's store or office.

Excused and Mary Sewel recalled:

Q Did you execute an affidavit on April 28, 1904, in the matter of the birth of your child, Minnie Sewel? A Yes sir.
Q Did you tell the Notary Public the date of the birth of Minnie at that time? A No sir.
Q Did you tell him what to write in here? A Yes sir.
Q Did you remember that date or did you go to some record to get it? A I remembered the date.

Q You didn't consult your bible to refresh y ur memory, did you?
A No sir.
Q You havenanother child, haven't you born since Minnie was? A Yes.
Q What is the date of the birth of that child? A It was born in March.
Q What year? A I don't know; it was last year; it is just a year old.

There is on file an affidavit in the matter of the birth of Minnie Sewel in which it is stated that she was born on the 12th day of April, 1901, and was living at the date of the execution of said affidavit, April 28, 1904; said affidavit was executed by the mother, Mary Sewel- corroborating affidavit by Dinah Factor, midwife Said affidait is made part of the record in this case.

Samuel Sewel is directed to appear before the Commission with the bible in which is made th record of the date of the birth of Minnie Sewel.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 11, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to befor me this 12th day of May, 1904.

Charles H. Sawyer

Notary Public.

No. 446.

In the matter of the applic[illegible]
Sewell as a Creek freedman.

Samuel Sewel [illegible] testified as follows:

Examination by the Commission:

Q. What is your name? A Samuel Sewel.
Q What is your post office address? A Weweka.
Q Are you the father of Minnie Sewel? A Yes sir.
Q When was she beorn? A April 12, 1901.
Q Is she living? A Yes sir.
Q Your wife has already appeared here to make application for the enrollment of this child? A Yes sir.
Q Did you make an entry of the date of the birth of this child after it was born? A Yes sir; I had other children's names down, so I just put hit down.
Q Have you a child named Samuel? A Yes sir.
Q Is that your eldest child? A Yes sir.
Q Do you know when that child was born? A Yes sir.
Q When? A The 31st of October.
Q What year? A 1894.
Q That would be a hundred years ago. How old is that child? A Ten years old.
Q Have you a child named Pinkney? A Yes sir.
Q How old is he? A He is about 9 years old; he was born in August I believe.
Q Have you one named Eliza? A Yes sir.
Q How old is she? A About 8 years old.
Q What is the name of the next one? A Minnie.
Q Have you got one named Booker T.? Yes sir.
Q How old is that child? A He was born on the 24th day of March.
Q Last year? A Yes sir.

Witness presents for the inspection of the Commission copy of the bible upon [illegible] a fly leaf of which is written what appears to be the dates of the birth of the children above named; and it appears therefrom that Minnie Sewell was born April 12, 1901. The entries are in the order in which they would appear according to the ages of the children as stated by the witness. The bible is returned to him.

Henry G. Raine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 19, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Raine.

Subscribed and sworn to before me this 19th day of May, 1904.

My Commission Expires January 19th 1908.

[illegible] Martin Jr.
Notary Public.

8819

M. 48

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Sewel, as a Creek freedman.

D E C I S I O N.

The record in this case shows that on May 11, 1904, Mary Sewel appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Minnie Sewel, as a Creek freedman.

Further proceedings in the matter of said application were had May 19, 1904.

The evidence shows that said Minnie Sewel was born April 12, 1901, and was living at the date of the application herein.

The evidence further shows that said Minnie Sewel is the child of Samuel Sewel, a citizen of the United States, and Mary Sewel, whose name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, No. 75.

It is, therefore, the opinion of the Commission that Minnie Sewel should be enrolled as a Creek freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

July 12, 1904

Muskogee, Indian Territory, Feb

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Minnie Sewell as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Minnie Sewell will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Chairman.

HGW-B-13.

Muskogee, Indian Territory, January 6, 1902.

Samuel Sewol,

Wewoka, Indian Territory.

Dear Sir:

You are advised that the name appearing as Sewol, is contained in a partial list of Creek freedmen, approved by the Secretary of the Interior on December 24, 1901, and that application for a selection of land in the Creek Nation will be made for her at the office of the Commission, in Muskogee, Indian Territory.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. MAY 11, 1904.

In the matter of the application for the enrollment of Dewey Smith as a Creek freedman.

Primus Smith being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Primus Smith.
Q How old are you? A I am about 46.
Q What is your post office address? A Lee.
Q Are yu a Creek freedman? A Yes sir.
Q Have you filed on your alotment? A Yes sir.

Records of the Commissi n show that Primus Smith is regularly enrooled on Creek Freedman card Field No. 302, approved roll No.1130.

Q Do you desire to make application for the enrollment of your child Dewey Smith as a Creek freedman? A Yes sir.
Q Were you the father of Dewey Smith? A Yes sir.
Q Who is his mother? A Betty Smith; that was my wife; she's dead.
Q Is Dewey Smith living? A No sir; he's dead.
Q When was Dewey Smith borh? A I think he was born February 23, 1900.
Q Have you heretofore filed an affidavit in the matter of the birth of Dewey Smith? A Yes sir.

Records of the Commission show that there was filed with the Commission on January 15, 1901, duly executed affidavit in the matter of the birth of Dewey Smith; executed by Primus Smith, father, and Maggie Charles, midwife, on June 12, 1901. Said affidavit states that Dewey Smith was born on the 23rd of February, 1900, and was dead at the date of the execution of the affidavit

Q How old was Dewey Sewel when he died? A I think he died the 10th day of June and was born on the 23rd of February.
Q 10th of June, what year? A 1900.
Q Same yer? A Yes sir.
Q Are you positive that it was in June of the same year? A Yes sir, it was in June.
Q Did you ever make a record or have a record made of the date of the birth and death of Dewey Smith? A Yes sir.
Q Have you those records at home? A Yes sir I put it down myself.I have got it in a book.
Q Are those entries made in pencil or in pen? A I think I have it one place with a pen and another place with a pencil.

I have both dates down in two places.
Q Can you produce that book to the Commission? A Yes sir
Q Where is Dewey Smith buried? A At Hunt Creek Church near Lee.
Q Is there a stone of any kind at his grave? A He is buried right aside of his brother
Q Is there anything written on the stone where he is buried? A Well it is a piece of board with writing on it.
Q Is it in paint— A Pencil.
Q Do you know whether the writing still appears? A I can't tell you
Q Was there any record made in the church book of his death? A No sir; that Maggie Charles there is the mother of Betty Smith my wife.
Q Do you know whether she made any record of it in a book? A No sir, she didn't cause she can't write.
Q Did you buy a coffin for the child? A No sir, just had one made.
Q Who made the coffin? A I am not sure but I think its Daniel McGilbra.
Q Where does he live? A Right near where I live.
Q Do you sometimes call this child, Dee Wee? A Yes sir, most of them calls it that.

The records of the Commission further show that on May 7, 1901 Primus Smith filed and executed an affidavit in which it is stated that he was the father of Dewey Smith and that said Dewey Smith died on the 10th day of June 1900; corroborating affidavit is executed by Maggie Charles.

Records of the Commission further show that said Dewey Smith is listed for enrollment on Creek freedmen card Field No. A-22. The birth affidavit mentioned before is marked Exhibit "A"; the death affidavit Exhibit "B", and they are made part of the record herein.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 11, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 12th day of May, 1904.

Charles A. Sawyer
Notary Public.

BIRTH AFFIDAVIT. Copy 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Drury Smith (Here insert name of child), born on the 23" day of February, 1900

Name of Father: Primus Smith, a citizen of the Creek Nation.

Name of Mother: Bettie Smith, a citizen of the Creek Nation.

Post-office Lee, I. T.

AFFIDAVIT OF ~~MOTHER~~ Father.

Mother Deceased - August 5- 1900

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Primus Smith, on oath state that I am 43 years of age and a citizen, by adoption, of the Creek Nation; that I am the lawful ~~wife~~ husband of Bettie Smith, who ~~is~~ was a citizen, by adoption, of the Creek Nation; that a male (Male or female) child was born to ~~me~~ her on 23rd day of February 1900 that said child has been named "Drury Smith", and is now ~~living~~ dead.

Primus his x Smith
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) Maria Sells
Julia Charles

Subscribed and sworn to before me this 12th day of June 1901

(signed) Ad J. Meriwether NOTARY PUBLIC.
My Com. ex 3/19th/1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, Maggie Charles, a midwife, on oath state that I attended on Mrs. ~~Bettie~~ Bettie Smith, deceased, wife of Primus Smith on the 23rd day of February, 1900; that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now ~~living~~ dead and is said to have been named Drury Smith

her
Maggie x Charles
mark

WITNESSES TO MARK:

(Must be Two Witnesses) Maria Sells
Julia Charles

Subscribed and sworn to before me this 12th day of June 1901

Ad J. Meriwether NOTARY PUBLIC
My Com ex
3/19th/1903

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Dewey Smith
(Here insert name of deceased)

a citizen of the Creek Nation, who formerly resided at or near Lee
(Here insert name of post office)
, Ind. Ter., and died on the 10 day of June, 1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Primus Smith, on oath state that I am 43 years of age and a citizen, by adoption, of the Creek Nation; that my post office address is Lee (Here insert name of post office) Ind. Ter.; that I am the father (State relationship, as: the father; an uncle; a cousin, etc.) of Dewey Smith (Here insert name of deceased), who was a citizen, by adoption, of the Creek Nation; and that said Dewey Smith (Here insert name of deceased) died on the 10 day of June, 1900

Primus his × Smith
mark

WITNESSES TO MARK:
(Must be Two Witnesses)
Sarah Smith
Julia E. Charles

Subscribed and sworn to before me this 7 day of May 1901

A J Merriwether
Notary Public.
My Com. ex. 3/19/1903

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Maggie Charles, on oath state that I am 68 years of age, and a citizen, by adoption, of the Creek Nation; that my post office address is Lee (Here insert name of post office) Ind. Ter.; that I was personally acquainted with Dewey Smith (Here insert name of deceased), who was a citizen by adoption, of the Creek Nation; and that said Dewey Smith (Here insert name of deceased) died on the 10 day of June, 1900

Maggie her × Charles
mark

WITNESSES TO MARK:
(Must be Two Witnesses)
Sarah Smith
Julia E. Charles

Subscribed and sworn to before me this 7 day of May 1901

A J Merriwether
Notary Public
My Com. ex. 3/19/1903.

No. 486 3813

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dewey Smith, deceased, as a Creek freedman.

D E C I S I O N .

The record in this case shows that on May 11, 1904, Primus Smith appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased child, Dewey Smith, as a Creek freedman.

The evidence shows that said Dewey Smith was born February 23, 1900, and died June 10, 1900.

It is the opinion of the Commission that there is no authority of law for the enrollment of said Dewey Smith, deceased, as a Creek freedman, and that the application for his enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

July 12, 1904

No. 486.

Muskogee, Indian Territory, July 18, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Dewey Smith, deceased, as a Creek freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

HOH-11-13.

[illegible], Indian Territory, July 12, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Primus Smith for the enrollment of his deceased child, Dewey Smith, as a Creek Freedman, including the decision of the Commission, dated July 12, 1904, denying said application.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

HOH-12-13.

3818.

No. 456.

Muskogee, Indian Territory, July 13, 1904.

Primus Smith,

Lee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of your deceased child, Dewey Smith, as a Creek freedman.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

HOW/10-13.

Register

DEPARTMENT OF THE INTERIOR

Land OFFICE OF INDIAN AFFAIRS

46155-1904. Washington, October 10, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 13, 1904, transmitting the record of the application for enrollment as a Creek freedman by Primus Smith for his deceased child, Dewey Smith.

July 12, 1904, the Commission decided adversely to the applicant.

The record shows that the child, Dewey Smith, was born February 23, 1900, and died June 10, 1900.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.

W.

DEPARTMENT OF THE INTERIOR

I.T.D.10176-1904. WASHINGTON October 15, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

July 13, 1904, you transmitted the record in the matter of the application of Primus Smith for the enrollment of his deceased child, Dewey Smith, as a Creek freedman, including your decision of July 12, 1904, denying said application.

Reporting in the matter October 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos.Ryan

Acting Commissioner.

1 inclosure.

Muskogee, Indian Territory, October 20, [illegible]

Primus Smith,

Lee, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior, [illegible] date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 12, 1904, denying your application for the enrollment of your deceased child, Dewey Smith, as a Creek freedman.

Respectfully,

Chairman.

Registered.

No.484.

Muskogee, Indian Territory, October 17, 1904.

M. L. Mott,

Attorney, Creek Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated July 12, 1904, denying the application of Primus Smith for the enrollment of his deceased child, Dewey Smith, as a Creek freedman.

Respectfully,

Chairman.

CR EN 487

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. MAY 10, 1904.

In the matter of the application for the enrollment of Nellie Lewis as a citizen by blood of the Creek Nation.

I.T.

Susie Jackson being, sworn testified as follows through Alex Posey, official interreter:

Examination by the Commission:

Q What is your name? A Susie Jackson.
Q How old are you? A About 25.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q What is your post office address? A Oktaha.
Q Are you a full blood Creek? A Yes sir.

Records of the Commission show that Susie Jackson is regularly enrolled on Creek Indian card field No. 105, approved roll No. 380.

Q Whom do you desire to have enrolled? A Nellie.
Q Nellie Lewis? A Yes sir.
Q What relation, if any, are you to her? A A daughter of a sister.
Q Is Nellie living? A Dead.
Q How old was she when she died? A She thinks she was about 14.
Q How long has Nellie been dead? A About three years.
Q Do you know the exact date of her death? A She died---she was living with Allie; she does not know the exact date.
Q Do you know the month in which she died? A No sir.
Q Do you know the year she died? A She says this man here has the record; both of these men have records at home.
Q What are the names of the persons who, have the records? A Jim Walker and Tom Harris.
Q Was any money ever drawn from the Creek Nation for Nellie Lewis?
A Yes sir, the $14.40 payment.
Q With whom was she living at that time? A Sinahasta her mother. She drew under Sinahasta's name; Allie Sindullie drew for her.
Q Did she ever live with the family of Allie Simmons? A Yes sir.
Q Who was Charles Simmons? A My brother.

The 1895 payroll of the Creek Nation examined and at #225 is found the name Nellie Lewis.

Q Do you remember when you filed on your allotment? A (No answer).
Q Do you remember when the Creek land office was first opened? A Yes.
Q Did Nellie Lewis die before or after that time? A Before.
Q How long before? A Not quite a month.
Q Of what disease did she die? A Fever.

Q What month did she die? A I don't know that.
Q Do you remember when the smallpox was so bad in the western part of the Creek Nation? A It was right after that she thinks.

Henry G. Maine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 10, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Laine.

Subscribed and sworn to before me this 12" day of May, 1904.

Charles A. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., May 18, 1904.

In the matter of the application for the enrollment of Nellie Lewis as a citizen by blood of the Creek Nation.

Tom Harris being duly sworn, testified as follows through official interpreter, Alex Posey:

Examination by the Commission:

Q What is your name? A Tom Harris.
Q How old are you? A Thirty eight.
Q What is your post office address? A Oktaha.
Q Are you a citizen by blood of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Kialigee.

The records of the Commission show that Tom Harris is regularly enrolled on Creek Indian card Field No. 155, approved roll No. 565.

Q Did you know Nellie Lewis? A Yes.
Q. What is her mother's name? A Seyahe.
Q What is her father's name, Nellie's? A Louie.
Q Is Nellie living or dead? A She's dead.
Q Did you make a record of the date of her death? A Yes; my records show that she died in 1898- the 15th of April.
Q When did you consult that record? A Since I was here yesterday.
Q Describe the book that the record is made in and the way the record reads. A It is on a piece of white paper in Creek; it states that Nellie died on the 15th day of April, 1898.
Q Were you related to Nellie? A No.
Q Do you know Susie Jackson? A Yes.
Q Is she related to you? A No.
Q Where did Nellie die? A Greenleaf.
Q How far from where you lived at that time? A About 50 miles.
Q Did you attend the funeral? A I was in the neighborhood at the time she died but wasn't present when she was buried.
Q Are you a member of council? A No.
Q Have you ever been? A No.
Q Who made the record on that piece of paper? A An indian up at Kialigee by the name of Thomas Wesley.
Q Can you write Creek or English? A No sir.
Q How is it you have kept a record of the date of the death of Nellie Lewis? A He says it is customary in his neighborhood to keep a record of the people that died and at that time a number of people had died; it was in keeping with that old custom that the record was made.
Q Have you that record with you? A No.
Q Have you any interest in this case? A Just simply assisting this woman, Susie Jackson.

Q Are you and Susie Jackson good friends? A We live about 8 miles apart and are not special friends, but she asked me to see you in this matter.
Q There is no bad feeling between you, then? A None whatever.

Knowsed and Susie Jackson called and sworn, testified as follows thro interpreter, A Posey:

Q What is your name? A Susie Jackson.
Q How old are you? A About 25.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Are you the identical Susie Jackson who on May 10, 1904, made application for the enrollment of Nellie Lewis as a citizen by blood of the Creek Nation? A Yes sir.
Q Do you know Tom Harris? A Yes sir, I know him quite well.
Q Are you and Tom good friends? A Yes sir.
Q There is no ill feeling between you at all? A No.
Q Was there some one else in your neighborhood,who made a record of the date of the death of Nellie Lewis? A Yes; Jim Walker, but I saw him today and he said he couldn't find it.
Q Did you make a record of the date of the death of Nellie Lewis? A No.
Q Do you know whether anyone else ever made a record of the date of her death? A No.
Q Who was Nellie living with when she died? A An old woman by the name of Holah.
Q Were you at Nellie's funeral? A No.
Q Did Nellie belong to the church? A No, she was not a memberof any church.
Q Do you know whether there was a church in the neighborhood where she died? A She doesn't think there was.
Q How far were you living from Nellie when she died? A I have no idea; I thouht it was too far to go when Nellie died.
Q Was Nellie a full blood Creek? A Yes sir.
Q Do you know whether they had a doctor in attendance when she died A They got a doctor and she wouldn't accept his services and ran away to another house.
Q What was that doctor's name? A She don't know but she understood that he was a white man's doctor.
Q Where did he live? A I don't know.
Q Do you know what she died of? A Smallpox; she took sick about the time the smallpox was disappearing and about the time the disease was under control.
Q You stted on May 10, 1904, that Nellie died of the fever about that time. A That's what brings on smallpox- high fever; she ran away while the fever was on her.
Q Did Nellie die with the smallpox at the time that that disease was raging in the Creek Nation? A She says that she took sick about the time the smallpox was broken up; about the time that the disease was disappearing; that's the time when so many died.
Q What time did that disease break out? A In the beginning of winter and that Nellie died in Spring.
Q That was the time, was it, that so many people died in the Creek Nation of the smallpox out in the western part? A Yes sir, it was during that winter.
Q Nellie died the next Spring , did she? A Yes, sir, the beginning of Spring.

Tom Harris recalled:

Q Is there record of the date of the death of Nellie Lewis that was made for you in pencil or ink? A Pencil; common lead pencil.
Q Black mark? A Black.
Q Is it written on a paper by itself or among other names? A That's all ther is on it.
Q How large a piece of paper? A About so---- (3x3)in.)
Q It is not in a book is it? A Just a piece of white paper. Torn out of a memorandum book.
Q Could I see that piece of paper if I came to your house?
A Yes sir.
Q Couldn't you have brought it up here today? A Well, he says he was advised that it would be useless to bring it up today if the child died in 1898.
Q Do you remember when the smallpox was so bad in the western part of the Creek Nation? A No sir- yes sir.
Q When did Nellie die in regard to that time? A It was about the time the disease was disappearing.
Q That was in 1899, wasn't it? A If that's the case, the fellow that made that record made a mistake.
Q He may have made a mistake might he not? A Yes sir; he is not very bright; liable to make a mistake; he is not very well educated.
Q How long after the death of Nellie before Tom Wesley wrote the date of her death on the piece of paper that you have? A About 4 days after that.
Q Do you remember when people began filing on their allotments in the Creek Nation? A He says he is not very clear on that pint.
Q Do you remember the circumstance? A He says he remembers when people were coming to file.
Q Did Nellie die before or after that time? A He says I think Nellie was dead at that time.
Q Did she die that same year? A Yes sir.
Q That was in o899? A He says he has never been thoroughly satisfied on that point himself; he has always thought there was a year's difference, but that's the way ther record was written.
Q Tell him that the Creek land office was open on the first day of April, 1899? A He said she must have died in 1899; the record must be wrong.
Q Ask him if he thinks ther is any mistake in the month and the date
A He thinks the month and day is about correct.
Q Are Nellie's father and mother dead? AYes sir.
Q Is Tom Wesley living? A Yes sir, at Weogufke.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 13, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 14th day of May, 1904.

Charles H Lawyer
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., February 23, 1906.

In the matter of the application for the enrollment of Nellie Lewis, deceased, as a citizen by blood of the Creek Nation.

THOMAS WESLEY, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Thomas Wesley.
Q How old are you? A About 26.
Q What is your post office? A Boley.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Greenleaf.
Q Did you know Nellie Lewis? A No, sir.
Q Was there any one in your neighborhood by that name? A There is only one Nellie in our town and she is living.
Q On May 15, 1904, Tom Harris, of Oktaha, Indian Territory, appeared before the Commission at Muskogee, Indian Territory, and swore that Thomas Wesley made a record of the death of Nellie Lewis. Do you remember making any such record? A No, sir.
Q Do you know Tom Harris? A No, sir.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me 8 day of April 1906.

Notary Public.

Muskogee, Indian Territory,

Ervie Jackson,

Oktaha, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of Nellie Lewis, you are advised that the Commission desires further evidence in the case.

You are hereby notified that you will be allowed thirty days from date within which to introduce before the Commission at its office in Muskogee, Indian Territory, additional testimony relative to the dates of the birth and death of said Nellie Lewis.

Respectfully,

Register. Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
April 27-1905

In the matter of the application for the enrollment of Nellie Lewis, deceased, as a citizen by blood of the Creek Nation.

Tom Harris, being duly sworn, testified as follows:
Through official interpreter, Lona Merrick.

Q What is your name? A Tom Harris.
Q What is your age? A About 38.
Q What is your post office address? A Oktaha, I.T.
Q You have testified in this case before have you not? A Yes sir.
Q Do you know now when Nellie Lewis died? A She died April 25,1898.
Q How do you know that? A I saw her the day she died.
Q Did you make a record of the date that she died? A Yes, sir, I have it here. (Producing a piece of paper torn out of a memorandum book, which is written in Creek and me translated by the official interpreter as follows: "April 25, 99 ,Nellie Lewis died on that date"
Q Who wrote that record down for you? A Thomas West.
Q Thomas West or Thomas Wesley? A Thomas West.
Q Does he live at Boley? A He lives near Henryetta.
Q When you were here in May last year in 1904, you state that you had consulted your record and that it shewed that Nellie died on the 15th day of April, 1898, were you mistaken then? A Yes, I was mistaked about that. It was put down in the record as 99, but I made a mistake and said it was in '98 she died.
Q Where was Nellie Lewis buried? A Near Greenleaf.
Q Did you make a head board for her grave? A There is a head board but there's nothing written on it.
Q How long after Nellie Lewis die did Thomas West make this record?
A It was made the day she died.
Q Is Thomas West living? A No sir, he is dead.
Q How long ago did he die? A He died last January.
Q Where did you get this record? A Thomas West gave itbto me, he made the record abour Nellie's death, and when he died he gave it to me.
Q Then so this record was copied from the record Thomas West had?
A Yes sir.
Q Do you remember when the Creek Land Office opened in Muskogee?
A I can't remember the year.
Q Do you remember the time it happened? A Yes sir.
Q Was Nellie living then or was she dead? A She was living I think.
Q About how long after that did she die? A Just a very short time after the Land Office opened.

-------oOo-------

Susie Jackson, being duly sworn testified as follows, through interpreter.

Q What is your name? A Susie Jackson.
Q What is your age? A About 26.
Q What is your post office address? A Oktaha.
Q Do you know Nellie Lewis? A Yes sir, I have known her all her life.
Q Are you related to Nellie Lewis? A Yes, sir, she was my niece.
Q Do you remember when the Creek Land Office opened in Muskogee?
Q I remember the circumstance but not the year.

proceedings in said cause in said court.

Lina Pierick

Subscribed and sworn to before me this 27th day of April, 1909.

My Commission expires April 11,1909.

Notary Public.

En 487 I.D.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nellie Lewis, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on May 10, 1904, Susie Jackson appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of her niece, Nellie Lewis, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had May 13, 1904, February 25, 1905, and April 27, 1905.

The evidence shows that said Nellie Lewis, deceased, is identified on the 1895 Pay-Roll of the Creek Nation, and that she died April 25, 1899.

It is, therefore, ordered and adjudged that said Nellie Lewis, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for her enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory,
JAN 12 1906

Dr No 167

Muskogee, Indian Territory, January 13, 1904.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Nellie Lewis, deceased, as a citizen by blood of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Nellie Lewis, deceased, and if, at the expiration of said time, no protest has been filed, said person will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JYH-13-12

Muskogee, Indian Territory, June 23, 1906.

Susie Jackson,

Oktaha, Indian Territory.

Dear Madam:

You are hereby advised that the name of Nellie Lewis, deceased, is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that a selection of land in the Creek Nation may now be made for said Nellie Lewis, by the administrator, at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. May 12, 1904.

In the matter of the application for the enrollment of Agnes, Elmer, Willie, Nina and Ola Checotah, as Creek freedmen.

Agnes(Sharper)Checotah being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Agnes Sharper; Checotah now.
Q How old are you? A Thirty-five.
Q What is your post office address? A Tulsa.
Q For whom do you desire to make application for enrollment? A Myself and children.
Q What are the names of your children? A Mary; I called her Tub; that's her nick-name.
Q Is she living? A No sir, dead; that's the oldest child.
Q When did she die? A I don't know.
Q Do you remember when people began filing on their allotments in the Creek Nation? A Yes but I don't know what year it was.
Q You remember the circumstance though; you remember that they did begin filing? A Yes sir; I think it was 1900; she w sn't living then.
Q Did Mary die before people began filing? A U- before.
Q How long before? A A little over a year.
Q Did you make a record of the date of the death of Mary? A No sir.
Q Did you write it down in a book? A No sir.
Q Can you read or write? A Yes sir.
Q Where was Mary buried? A In the, Seminole nation; at Ekuntuxky.
Q Who was the father of Mary? A Henry Johnson.
Q What did you call Mary? A I called her Mary Sharper.
Q Were you married to Johnson? A No sir.
Q Is he living? A Not that I know of.
Q How long has he been dead? A I haven't seen him since she was about 5 years old.
Q Do you know whether he was a citizen of any tribe in Indian Territory? A No sir, he was not a citizen at all; he lived in Colorado.
Q Have you other children for whom you desire to make application for enrollment? A Yes sir.
Q Give the name and age of the oldest one? A Elmer Checotah; he's 17.
Q Next? A Willie Checotah; he's 13.
Q Next? A Nina; she's 15.
Q Next? A Ola; she's 6.
Q Are these all the children,you have ever had? A No sir, I have got some more that's small and dead.
Q How many have you dead? A Two- twins.
Q When did they die? A In 1900.
Q How many years ago? A About 5 years ago I think.
Q Did they die before or after people began filing? A During the time of the filing.
Q Have you a record of the date of their death anywhere? A They were born on the 24th of May, 1900 and died the same year; they was just

about 7-months' children.
Q How long did they live after they were born? A About three days.
Q They didn't live a week, then? A No sir.
Q Who was the father of all these children except Mary? A Sam Checotah
Q Did you name these twins? A No sir.
Q Is Sam Checotah a citizen of the Creek Nation? A Yes sir.
Q Has he filed on his allotment? A I don't think he has; I think he went up before the Secretary or something; he got a letter from Washington.
Q You mean then that your husband claims to be a Creek citizen? A Yes sir.
Q Has he ever drawn any money from the Creek Nation? A No- that's something I don't know; I heard people say that he did but I don't know.
Q Have you ever been recognized as a citizen of the Creek Nation? A No more than only just by people that knowed me.
Q Have you ever drawn any money from the Creek Nation? A Never have drawed a thing but everyone knows that I am a citizen of the Creek Nation, cause my father's here and I was here myself.
Q What is the name of your father? A John Sharper.
Q Is he living? A No sir.
Q What is the name of your mother? A Mary Sharper.
Q Is she living? A No sir.
Q Was she a citizen of the Creek Nation? A No sir, not that I know of.
Q Where did she come from when she came to the Creek Nation, do you know? A No sir, but I used to hear her talk about Alabama; that's all I know.
Q What was John Sharper's last wife's name? A Millie Sharper was the last one I know anything about.

The records of the Commission show that Jno. Sharper and his wife Milley are regularly enrolled on Creek Freedman card Field No. 849, approved roll Nos. 3256 and 3257.

Q Where have you been living all your life? A Biggest portion in the Creek Nation till my father died and then just went back and forwards ever since.
Q How long did your father and mother live together? A I don't know sir; I can't tell.
Q Did they separate when you were a child? A Yes sir, I was small.
Q Where did your mother go? A To the Seminole Nation; she didn't go straight there; she went to Okmulgee and stayed about a year and then went to Seminole nation.
Q Did they ever live together again? A Yes, he would come and live with her awhile and then go away.
Q Did he ever call you by any other name than Agnes? A Yes sir, he would call me Ella.
Q Any other name? A Sometimes Agnes Alabam.
Q You have been living back and forth in the Creek and Seminole Nation? Part of the time in the Creek Nation and part of the time in the Seminole Nation? A No sir, this would be my home but I would stay with my uncle at Okmulgee; I would go to the Seminole Nation sometime- and stayed there about a month; this was my home though with my cousin.
Q How long have you been married to Sam Checotah? A Yes sir I was married to him; I can't tell how long.
Q Were you married to him before Elmer was born? A Yes sir.

Are you living with him now? A Yes sir.
Have A Tulsa.
Have you any brothers and sisters? A Yes sir.
[illegible] A I have one dead they called Dick Sharper; then [illegible]
[illegible] and Rose Sharper and Sallie Sharper; there's some more but I
don't know their names.
Q You haven't [illegible] your brothers and sisters very much
then? A No sir, I [illegible] by me.
Q Did you have a sister named [illegible]? A Yes sir.
Q And one named Rose? A Yes sir.
Q Did you ever make application to the Colbert Commission to be
admitted to citizenship in the Creek Nation? A --
Q That was a Commission created by the Creek National council to
hear citizenship cases over at Okmulgee? A No sir.

Records of the Colbert Commission examined and they do not show that application was ever made to said Commission for the admission of Agnes Checotah or any of her children to citizenship in the Creek Nation.

Q Did you ever make application to the Dawes Commission to be admitted to citizenship in the Creek Nation? A Yes sir, I did; but I didn't know just how to get at it and I wrote to the Secretary and the letter came back from there to Muskogee here and I got the letter from the Commission.
Q Did you ever come before the Commission and give testimony as you are now? A No sir, I was sick at the time.
Q Did you ever make application to the United States Court In the Northern District, Indian Territor , on appeal from the decision of the Colbert Commission or the Dawes Commission? A No sir.

Records of the Commission examined and it appears therefrom that in 1896 an application was made to the Commission to the Five Civilized Tribes for the admission of John Sharper, Minora, Ben, Rose and Sallie Sharper and "Agnes Shepard (or Sharper)" for admission to citizenship in the Creek Nation, and that all of said applications were granted by said Commission. (1896 case #133.) In the petition in 1896 to the Dawes Commission the petitioner,(John Sharper) states that "he has five children, Agnes, aged 30 years, Sallie, aged 25 years, Minora, aged 19,years, Rose, aged 18 years and Ben, aged 16 years- all of whom were born in Coweta District in the Creek or Muskogee Nation. That the petitioner has these grand-children, Mary Van, 16 years old, daughter of petitioner's daughter, Agnes, and Charlie Thompson, age 6 years, Martha Thompson, four years old, James Thompson, 18 months old; the three last the children of petitioner's daughter, Sallie: Sarah Peters, two years old, Alice Lampkins, age two months,- the two last the children of petitioner's daughter, Rose; It does not appear that an appeal was taken in this case. Minora Little is regularly enrolled on Creek Freedman card 413, approved roll No. 1595; that Ben Sharper is enrolled on Creek Freedman card No. 1445, approved roll No. 4807.

Q Did your father, John Sharper, ever tell you that he made application for your admission to citizenship in the Creek Nation? A Yes he told me he were going to.
Q Did he ever tell you whether he did or not? A No sir, I didn't get to see him; I went down to my cousin's and I never got to see him any more; he is dead you know.
Q How long ago was it since you saw him? A I think about '95 or 96; I know he died right away after.
Q Did you ever draw any money for any of your children from the Creek Nation? A No sir, never drew anything.

Q You claim the right to enrollment of your children as Creek Freedmen through you? A Yes sir.

Excused and Rebecca Jacobs called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Rebecca Jacobs.
Q How old are you? A I don't know. (Witness appears to be 42years old).
Q What is your post office address? A Clarksville.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know one Agnes Checotah? A Yes sir.
Q How long have you known her? A When we was small; we all was children.
Q Did you know her father? A Yes sir, he was my step-daddy's son.
Q Did you know her mother? A Yes sir.
Q What was her mother's name? A Mary.
Q What was her father's name? A John Sharper.
Q Was John Sharper a citizen of the Creek Nation? A Yes sir.
Q Can you positively identify this woman here who has made application for enrollment as a Creek freedman under the name of Agnes Checotah as the daughter of John Sharper? A Yes sir; that's John Sharper's daughter; 'cause we was playmates together.
Q How many years have you known her? A A good many years. Had a brother Dick who died.
Q Have you known her since she was a child? A Yes sir.
Q Have you been seeing her very frequently since you were children together? A No sir, she went to the Seminole and her daddy told me she was going.
Q How long since you have seen them from the time you were children? A Not until a week before last when I went to Tulsa and found them up there.
Q How is it you can identify her as the same person you played with when you were children? A I know the name.
Q Does she look like the child you played with? A Yes sir.
Q Did you talk with her about that you used to do when you were children? A Yes sir, there was once we used to sing together and I have talked to her about the songs. But I found out she was up there- there was a man called Dick who came down and stayed with her and he said he was staying with a woman named Agnes; and I asked him Agnes what? and he said Sharper; and I went up there and saw her
Q Did you and she talk about things you used to do when you played together as children? A No, we didn't talk about it; I told her what we used to sing when we played games.
Q What did she say? A She knowed the song.
Q Is that all you can remember? A Yes sir.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 12, 1904, and that the is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 13th day of May, 190..

Charles W. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. May 13, 1904.

Supplemental Testimony

In the matter of the application for the enrollment of Agnes, Elmer, Willie, Nina and Ola Checotah as Creek freedmen.

Betsey Thompson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name, age and post office address? A Betsey Thompson, Muskogee; 45.
Q Are you a Creek freedman? A Yes sir.
Q Have you filed on your allotment? A Yes sir.

The records of the Commission show that Betsey Thompson is regularly enrolled on Creek freedman card field No. 693, approved roll No. 2685.

Q What is your father's name? A John Sharper.
Q What is your mother's name? A Winnie McIntosh; they didn't live together.
Q How long did you live in the family of your father? A Some 16 years I guess; my mother raised me and after I come of age I come to my father and stayed with him until I was married; I reckon I lived there backwards and forwards for about 20 years.
Q What was your father's first wife's name? A Winnie; that's my mother.
Q How long did he live with her? A I don't know sir, they were separated.
Q Were you the only child by your father and Winnie? A No sir; there was two was all I knowsof.
Q Were you the first or second child? A Second.
Q What is the first child's name? A Rose.
Q Is she living? A No sir.
Q How long has she been dead? A About four years.
Q Was she married? A Yes sir.
Q What was her name when she enrolled? A Rose Johnson.
Q About how long did your father and your mother live together?
A I don't know sir; that was during slavery time.
Q What was your father's next wife's name? A I can't tell you; he had three or four of them I guess; the wife I found him with was named Mary; these childrens' mother.
Q How many children did he have by Mary? A There's Dick and Agnes and Sallie and Elnora and Ben; five, to my knowing.
Q Was your father and his wife, Mary, ever separated? A No sir, not to my knowing; no sir.
Q Did she ever leave him and go to the Seminole Nation to live?
A No sir; she was was a state woman they claim.
Q Did your father have another wife after Mary? A Yes sir, after Mary died.
Q How long has it been since Mary died? A Its been about 23 or 24 years; years and years ago; she died before Dick died.

Q What was your father's next wife's name? A Milley.
Q Is she living? A Yes sir.
Q Did he ever have any other wives? A --
Q To your knowing? A Not since he married Milley; he died the husband of Milley.
Q Have you always lived close to where your father lived since you remember? A No sir; I never was home till I was about 11 years old.
Q Have you lived near him and been in his home frequently since you were 11 years old? A Yes sir, off and on.
Q Do you know whether he ever had another child named Agnes? A No sir, only one.
Q Has she ever lived in the Seminole Nation? A After she married Davis then she moved out there; then he died and she married Cyrus.
Q Did she have a child by Davis? A Yes sir; Mary Davis.
Q Do you know whether they ever called her anything else but Mary? A That's all I knows;its the baby.
Q What was Mary's father's name? A Isaac Davis.
Q Is he living? A No sir.
Q Is Mary living? A Yes sir.
Q Is Agnes Cyrus living? A Yes sir; that's my sister.
Q What is her post office address? A Wewoka I guess- or Holdenville she goes there frequently and comes and stays with me and goes visiting.
Q Was her mother's name Mary-- Agnes' mother? A Yes sir.

The records of the Commission show that Agnes Cyrus, age 38, and daughter, Mary Davis, age 15, are regularly enrolled on Creek freedmen card field No. 220, approved roll Nos. 762 and 763; that their names appear upon the 1890 authenticated and the 1895 payroll of the Creek Nation, North Fork town. That the father of Agnes Cyrus was John Sharper, and her mother Mary Sharper; that the father of Mary Davis was Isaac Davis, a Seminole. That Agnes Cyrus and Mary Davis were admitted by the Commission in 1896 as Agnes Sharper and Mary Van. That Isaac Davis is dead.

Q Did your sister, Agnes, ever go by the name of Shepard? A No sir, not as I knows of.
Q Agnes Cyrus is your half-sister, is she? A Yes sir.
Q Were you in this room yesterday when a person was making application for enrollment and claimed to be a daughter of John Sharper? A She wasn't saying anything when I was in here yesterday.
Q Didn't I tell you that she claimed to be a daughter of John Sharper? A Yes sir, I remember you saying that.
Q Did you ever see her? A No sir, not till Dave Hester brought me in the door and said-"this is the woman" and I said "No sir".
Q What did you mean? A I meant that she wasn't my sister; not Agnes.
Q That woman claimed to be the wife of Sam Checotah and lived at Tulsa, and made application for enrollment under the name of Agnes Checotah; do you know Sam Checotah? A No sir, never seen him.
Q Did you ever see his wife? A I saw the woman sitting here yesterday; I never saw her before.
Q Your father is dead, isn't he? A Yes sir.
Q Did your father ever tell you or did you hear him speak of having two daughters by the name of Agnes? A No sir.
Q Do you know whether he ever had any children in the Creek Nation by a woman to whom he wasn't married? A No sir.
Q You never knew of it? A No sir.
Q Where did your father, John Sharper, live when he died? A Out on Pecan Creek.
Q How long did he live there? A Every bit of 30 years I guess.

Q How do you know that this woman here whom you saw yesterday, who claimed to be your half-sister, whose name was Agnes, was not---
A Cause my sister, Agnes, is bright like lady and this one here was black.
Q Then you don't know anything about this lady? A I never saw her till I seen her here yesterday; my sister Agnes is a great big woman.
Q Your half-sister, Agnes Cyrus, has already taken an allotment, has she? A Yes I guesses; that card says so.
Q Has your sister, Agnes, ever visited you? A Yes sir, the one out at Wewoka comes down occasionally; her and Mary.
Q Is Mary married? A No sir.
Q Did you ever have a sister named Ella? A No sir, don't know.
Q Did you ever hear of a person who claimed to be your sister named Ella? A No sir.
Q Did you ever call Agnes Ella? A No sir.
Q Did you ever call Agnes Agnes Alabama Sharper? A Yes sir.
Q How did that happen? A We called her Agnes and she named herself Alabama.
Q Was Mary Sharper a citizen of the Creek Nation? A No sir.
Q Do you know where she came from? A No sir; she come with my father.
Q From where? A Ft. Smith here. I was living with my own mother at that time; I don't know where he married her at.
Q Did yu ever know a person by the name of Becky or Rebecca Jacobs? A No sir.
Q You saw a woman in here yesterday with this woman who claimed to be your sister, Agnes? A Yes sir, I seen her sitting here.
Q Did you ever see her before? A No sir, not as I knows of.
Q How many times has your sister Agnes been married? A Twice.
Q To whom the first time? A Isaac Davis.
Q And her present husband is? A Tom Cyrus.
Q What nation does he belong to? A Seminole.
Q Have they any children? A No sir, not nary.

Excused and Elnora Little called and sworn, testified as follows:

Examination by the Commission:

What is your name? A Elnora Little.
Q What is your age? A I guess about 17.
Q What is your post office address? A Tabor, I.T.
Q Are you a Creek freedman? A Yes sir.
Q What is your father's name? A John Sharper.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Sharper.
Q Is she living? A No sir.
Q How long has she been dead? A I don't know.
Q Were you a grown woman when she died? A No sir; I guess I was abot 7 or 8 years old.
Q You can remember her some, can you? A Yes sir, just a little.

The records of the Commission show that Elnora Little is regularly enrolled on Creek freedman card Field No. 113, approved roll No. 1898.

Q Did you have an older sister- full sister? A Agnes Cyrus is the oldest one I know of.
Q Do you remember of any other older sister than Agnes Cyrus? A No sir, I don't.
Q Did you have a younger sister? A Mary RoseSharper
Q What is her full name? A Mary Rose
Q How long has she been dead? A Three years I guess.
Q Did yu have a full brother? A Yes sir.
Q What is his name? A Dick Sharper.
Q Is he living? A No sir.
Q Did you have another full brother? A Yes, Ben Sharper.
Q Same father and same mother as yours? A Yes sir.
Q Is he living? A Yes sir.
Q Did your father have another child except these that you have already mentioned, by your mother? Mary Sharper? A No sir, not as I knows of.
Q Did you ever hear of any person who claimed to be your sister other than these you have named? A No sir.
Q Do you know Sam Checote? who lives at Tulsa? A I have seen him once; that's all.
Q Did he tell you that his wife claimed to be your sister? A Yes he told me so.
Q Have you ever seen that woman? A Never seed; if I did I don't know it.
Q Has your sister, Agnes Cyrus, any children? A Yes, one.
Q What is its name? A Mary Davis.
Q Did you ever call,it Mary Van? A I don't know, sir; all I ever knowed was Mary Davis.
Q Did any person except the persons you have mentioned lived with your father who claimed to be his daughter and whom he claimed as his daughter? A No sir.
Q How long did you live with your father? A I lived with him well till I was-- I have been married seven years-- until seven years ago I have been living with him.
Q Did your father and your mother, Mary, ever separate? A No sir, not as I knows of.
Q Did anyone ever tell you that your father and mother had ever separated? A No sir.
Q Would Sam Checotah tell you what his wife's name was? A I asked him what this woman's name was and he would never tell me yet what this woman's name was.
Q Did he object to telling you? A No sir; he just didn't tell me. I asked him.
Q What did he say when you asked him? A He said that they just calls her Shorty; but he never told me what the woman's name was.
Q Did he act like he wanted to tell you? A No sir; he just turned me off slightly that day.
Q Did he act like he didn't want to tell you? A No sir, not as I knows of.
Q How far do you live from where Sam Checote lives? A I don't know how far it is from Bristow to Tulsa; I live ten miles east of Bristow; and I don't know how far it is from over there to Tulsa.

Excused and Ben Sharper called and sworn, testified as follows:

Examination by the Commission:

Q What is your name, age and post office address? A Ben Sharper; 23; Bristow.
Q Are you a Creek freedman? A Yes sir.

The records of the Commission show that Sam Sharper is regularly enrolled as Creek Freedman card Field No. 1616, approved roll May 25, 1901.

Q What is your father's name? A John Sharper.
Q Is he living? A No sir.
Q What is your mother's name? A Mary Sharper.
Q Is she living? A No sir.
Q How long has she been dead? A About 23 years.
Q Can you remember her? A No sir.
Q She died when you were a baby, did she? A Yes sir.
Q Did anyone ever tell you that your father and mother had at any time separated after they were married? A No sir.
Q Have you any full sisters? A Yes, I have three.
Q What are their names? A Elnora Little, Sallie Thompson, Agnes Cyrus.
Q Are they all living? A Yes sir.
Q Do you know whether you have had any other full sisters? A No sir my father never said anything about it.
Q Do you know whether you have had two sisters named Agnes? A No sir
Q Do you know Sam Checotah who lives out about Tulsa? A No sir, I am just barely acquainted with him.
Q Did he ever tell you that he had a wife? A Yes sir.
Q What did he say about it? A He told me he was married to my sister; I asked him what her name and he wouldn't tell me.
Q Did he ever tell you anything he called her? A No sir.
Q Did you ever see her? A No sir.
Q You never visited at Sam Checotah's house? A No sir.
Q Did he ever visit you? A Yes sir, he come by my house once.
Q How long ago? A This last year.
Q His wife never visited you? A No sir.
Q Do you remember in 1896 when your father made application to the Dawes Commission for the enrollment or admission of himself and children to citizenship in the Creek Nation? A No sir.
Q Where does your sister, Agnes Cyrus, live? A At Wewoka.
Q Is she married? A Yes sir.
Q What is her husband's name? A Tom Cyrus.
Q Was she ever been married before? A Yes sir.
Q What was her other husband's name? A Isaac Davis.
Q Has she ever been married to anyone else? A No,sir.
Q Has she a daughter? A Yes, Mary.
Q Is she living? A Yes sir.
Q Is Marys father living? A No sir. Isaac Davis is dead.
Q How long did you and Elnora and Agnes and Sallie live together at your father's house? A My eldest sister, Agnes, I don't remember he staying there; the other two they always been home.
Q Did anyone ever visit at your house named Rila or Agnes, except your sister whom you call Agnes? A No sir.

Excused and Bobsey Thompson recalled:

Q Did you ever visit the women's house whom you saw here yesterday?
A No sir, I couldn't when yesterday was the first I ever saw here.
Q You were never at her house? A No sir.
Q And she never out at your house? A No sir.

Henry C. Haines being sworn on his oath states that as stenographe r

[redacted]

Henry R. Hines

Subscribed and sworn to before me this 24th day of May, 1904.

Charles F. Staeger
Notary Public.

[redacted]

In the matter of the [redacted] enrollment of Agnes Cheecheh, et al., as Creek [redacted]

Agnes Cyrus being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Agnes Cyrus.
Q How old are you? A I don't know exactly; about 40 I expect.
Q What is your post office address? A Wewoka.
Q What is the name of your father? A John Sharper. He's dead.
Q How long has he been dead? A I don't know exactly; about 4 years I guess.
Q What is the name of your mother? A Mary.
Q She's dead, is she? A Yes sir.
Q Have you ever drawn any money from the Creek Nation? A Yes sir.
Q When? A $29, and I drew the $14.40.
Q Now, it seems that your father didn't draw the $14.40 for himself; what was the reason, do you know? A No sir.
Q Did you ever hear him talk any about that? A No sir, I wasn't here at that time.
Q Where were you? A I was out west.
Q Are you your father's oldest child? A Yes sir, by Mary- no sir, my brother Dick, he is dead.
Q You are the oldest living one by Mary? A Yes sir.
Q Do you know the names of your full-brothers and sisters and half brothers and sisters? A Yes sir.
Q Now begin at the oldest and give the names of all of them living and dead. A I haven't got no half-brothers.
Q Then the oldest half-sister. A My oldest half-sister is here; Betsy Thomas.
Q What is the name of the next? A Peter Johnson- that's all I know.
Q They are older than you? A Yes sir.
Q Are you the next one? A Yes sir.
Q What is the name of Betsy's mother? A Winnie.
Q You have a daughter named Mary? A Yes sir.
Q What is her full name? A Mary Davis.
Q Was she ever called Mary Van? A No sir.
Q Were you ever married to a man named Van? A No sir.
Q What is the name of Mary's father? A Isaac Davis; he is a Seminole man and is dead.
Q Did you ever have a half-sister or full-sister named Agnes?
A No sir; I don't know nobody but myself named Agnes.
Q Did you live in your father's family uhtil you were grown? A Yes sir.
Q Did you live there until you were married? A Yes sir.
Q Do you know a woman who says her name is Agnes Checotah? A No sir I don't know her.
Q Do you know a Sam Cheecheh? A No sir.

Q During the [illegible] father's family did not [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Q Ever call you by any other name besides that? A No sir, not as I know of; they called me [illegible] Sallie and Don and Mister Betsy here.
Q Which did first, your father or mother? A My mother.
Q Did they live together from the time of your first recollection until she died? A Yes sir.
Q Do you know Rebecca Jacobs? A No sir, I knew one Rebecca but her name is not Jacobs.
Q Had you a brother named Dick? A Yes sir.
Q Do you live in the Seminole Nation? A No sir, not exactly; on the line.
Q Did you ever? A Yes sir.
Q How long did you live there? A About 19 years.
Q At what place did you live? A I lived about three miles in the Seminole Nation West of Wewoka.
Q Do you know a place up there called Wapintusky? A Yes sir.
Q How far did you live from that? A I expect about 20 miles South.
Q Did you ever know anybody by the name of Henry Johnson? A Yes, I know one young man by the name of Henry Johnson but he is a Seminole.
Q He was a Seminole was he? A Yes sir, his mama was a Seminole.
Q He is a young man, now? A Yes sir, he is about 20 years old I expect.
Q You were never married or lived with a man named Henry Johnson? A No sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 17, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 18th day of May, 1904.

Charles H. Sawyer

Notary Public.

[redacted] OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., MAY 26, 1904.

No. 488.

In the matter of the application for the enrollment of Agnes Checotah, et al., as Creek Freedmen.

Tackey Grayson being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Tackey Grayson.
Q How old are you? A Fifty seven.
Q What is your post office address? A Redbird.
Q Do you know Agnes Checotah? A I don't know her by that name; if I knew her by Agnes Sharper; she goes by Checotah now; I knew her when she was a girl before she married; she used to go by Agnes Sharper.
Q How long have you known this woman who says her name is Agnes Checotah? A I used to live out here at the old Agency and her father used to live over here between Pecan Creek and RockJack, and she was just a girl.
Q When was that? A I don't remember exactly; I knew her about 15 or 16 years ago and before I went away from her she was pretty good sized girl and I knew her and her father when they lived there.
Q Have you known her any time since she was a girl; have you known her since she was a married woman? A I seen her in Tulsa last winter
Q How long before that before you had seen her? A A good while; I knew of her when she went out West, about Seminole I know she did; I know her to be John Sharper's daughter and after I went to Tulsa I heard of her and she remembered my name and came and made herself known to me.
Q Did you know her to be the same person you knew as Agnes Sharper when she was a little girl? A Yes sir, the same person.
Q This is the same woman? A Yes sir.
Q Did she live in John Sharper's family when she was a little girl? A Yes sir lived there in the family.
Q Did you live near them? A I lived out at the old Agency about 3 miles West of here and they lived on Pecan Creek.
Q How far apart? A About 4 or 5 miles, I guess; I am personally acquainted with them cause her grandma, John Sharper's mother, was a half-sister to my mother and I knew the whole family of them.
Q About how long had it been from the time you knew her as a girl until you saw her as a grown woman and married? A I am not able to tell you.
Q Is it ten or 15 or 20 years? A It isnt 20 years; it might be 10 or 15 years but I can't identify just how long.
Q Did you know all the children of John Sharper? A I never did know but the two.
Q What is the other one's name? A Dick; this is the second child; I knowed her on Pecan Creek.
Q Did you know the name of her mother? A Yes sir.
Q What was her name? A Mary.
Q John Sharper is dead, is he? A Yes sir.
Q Is his wife Mary dead too? A Yes sir.
Q Which one died first? A Mary.

Q Did they live together when she died? A Yes sir.
Q Never separated? A No, no I know of.
Q Were you living close to them when she died? A I lived to the old agency.
Q How far did they live from you when she died? A Well, about 4 or 5 miles.
Q Did John Sharper marry again after she died? A No sir.
Q What was his other wife's name? A Mary Ann Sampsel Billie.
Q Did this woman who says her name was Agnes Chocotah, did she ever go by any other name; was she ever called by anything else besides Agnes? A She did used to have a nickname but I forget that now; her papa used to call her something - some little old name but I can't remember. Her grandmother used to bring her to my house; I have forgot what they used to call her.
Q When this woman who says her name is Agnes Chocotah- when she came to see you last winter would you have known her if she had not told you who she was? A Well, she come inquiring for me and she heard of me and she come up and asked and shook hands with me and she asked me do you know me, and I says I knows you and I can't call your name; and she told me who she was; I knowed her but I couldn't call her name; I hadn't seen her for a good while but I knew her; the name just slipped my remembrance.
Q Do you know Betty Thompson? A Yes sir.
Q Whose daughter is she? A John Sharper's.
Q I thought you said John Sharper didn't have but two children?
A By that woman.
Q Do you know Agnes Cyrus? A No sir.
Q Did he have any children named Sallie, Minora and Ben? A I know Ben.
Q Well, wasn't he Mary's boy? A No sir; I don't know who was Ben's mother; he used to have a little boy called Ben but he wasn't Mary's child.
Q Did John Sharper ever have more than one child named Agnes? A No sir, not as I know of. That's the only one I know.
Q Do you know Sam Chocotah- that is, this woman's husband? A No sir.

Excused and Agnes Chocotah being sworn, testified as follows:

By the Commission:

Q Give your name, age and post office address? A Agnes Chocotah; Tulsa; my age is thirty-five.
Q You are the same person that made application here for enrollment?
A Yes sir.
Q Do you know Betsy Thompson? A Yes sir; its been quite a while though since I have seen her except about two weeks ago when I seen her up here
Q How long had it been since you had seen herbefore that? A About 4 or 5 years.
Q Did Betsy Thompson recognize you as her sister? A No sir; said she didn't know me.
Q Do you know Agnes Cyrus? A No sir.
Q Have you a child named Mary? A Yes sir.
Q What is its other name? A Mary Johnson; that's the child's father's name; of course I wasn't married and I always called it by my name.
Q Mary Sharper? A Yes sir, cause I wasn't married.
Q Did you ever call it any other name? A Cutie or Cuttie.
Q Did you ever know anybody by the name of Mary Van? A No sir.

Q What is the first name of that child- that you gave me the first time you were in here? A Johnson.
Q The given name? A Mary.
Q [illegible]
Q [illegible]
Q Didn't you tell me first your name was Ella? A No sir, I said Alabama; I said they- he called me Agnes Alabama; and the other woman said the same thing.
Q You told me first that your name was Ella? A No sir; you know when that attorney came in with that paper he asked me my name and I give him my name.
Q Called you Alabam did he? A Agnes Alabama Sharper.
Q Did you live in your father's family until you was grown? A No sir.
Q Who did you live with? A In Seminole Nation with a woman by the name of Mrs. Johnson.
Q Why is it that you lived away from your father's family? A Well, I just didn't want to stay with him any more after I got to be a large girl.
Q Wasn't your mother living? A Yes sir but I didn't just want to stay with them.
Q Did your father and mother live together? A For a while; they separated but went back to live together again.
Q About how old were you when you left the family? A I don't know sir but I was a pretty good sized girl.
Q Were you grown? A No sir; I guess about 18 years old.
Q Did he have any other children in the family when you left? A No sir.
Q None but you? A None that I know of.
Q In your family? A None but me and Dick.
Q Had no girl? A No sir, if he did I don't know anything about it; that was when I lived down in the old field.
Q Were you older than Betsy Thompson or younger? A I don't know anything about Betsy's age.
Q She wasn't living in the family when you were there? A No sir, cause there wasn't but two children; I haven't known Betsy to see her only about 8 years.
Q Was your mother a citizen of the Creek Nation or the Seminole Nation? A No sir, my mother was a state woman from all they told me.
Q You have never drawn any money from the Creek,nation? A No sir; never have drawed a nickel.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above on May 24, 1904, and that this is a full, true and correct transcrit of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 24th day of May, 1904.

Notary Public.

Signed Warrant.

Yakima, Indian Territory.

Dear Madam:

There is inclosed herewith one copy of the Yakima Agency May 24, 1904, in the matter of the application for the enrollment of yourself and children as Great Problem.

Respectfully,

Chief Clerk.

DOS-S-Is-4.

No. 488.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of [illegible] Checotah et al.; as Creek Freedmen.

SUPPLEMENTAL STATEMENT

The roll of Creek Freedmen, made by J. B. Sharp, prior to March 14, 1867, examined and neither the alleged father or mother of the principal applicant herein identified on said roll.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and none of the applicants identified on said rolls.

The records of the Commission examined and no application appears to have been made for the enrollment of the father of the minor children herein, as a citizen of the Creek Nation, nor does it appear that he has ever been enrolled as a citizen of said nation or admitted to citizenship therein.

Commissioner.

Muskogee, Indian Territory,

September 29, 1904.

P.O.

En. 466.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Agnes, Elmer, Willie, Nina and Ola Checotah as Creek Freedmen.

-: D E C I S I O N :-

The record in this case shows that on May 13, 1904, Agnes Checotah, for herself and her four minor children, Elmer, Willie, Nina and Ola Checotah, appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as Creek Freedmen.

Further proceedings were had on May 15, May 17, May 24, and September 29, 1904.

It does not appear from the evidence that said applicants, or any of them, are the descendants of any one whose name appears on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

It does not appear from the evidence that the applicants, or any of them, nor the father of said applicants, Elmer, Willie, Nina and Ola Checotah, have ever been enrolled as citizen of the [illegible] and an examination of the records of the Creek Citizenship Commission, commonly known as the Colbert Commission, and of the records of this Commission under the authority of the act of Congress, June 28, 1898 (29 Stat., 321), shows that no application was made by said applicants, or any of them, nor by the father of said applicants, Elmer, Willie, Nina and Ola Checotah, to either of said Commissions for citizenship in the Creek Nation.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Agnes Checotah, Elmer Checotah, Willie Checotah, Nina Checotah and Ola Checotah as Creek Freedmen and that the application for their enrollment as such should be denied and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JUN 14 1905

Gr.Ex .486.

Muskogee, Indian Territory, June 27,1903.

Agnes Chocotah,

Tulsa, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Elmer, Willie, Nina and Ola Chocotah, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.
IM-6-27-813.

Muskogee, Indian Territory, [illegible], 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Agnes Checotah, and her minor children, Elmer, Willie, Nina and Ola Checotah, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

EM-8-29-214.

Muskogee, Indian Territory, June 27, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Agnes Chesteen et al., as Creek Freedmen, including the decision of the Commission, dated June 14,1906.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

DH-6-27-315.

[illegible]

I.T.D.4166-1905 [illegible], 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 27, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Agnes Checotah for the enrollment of herself and her four minor children, Elmer, Willie, Nina and Ola Checotah, as Creek freedmen, including the decision of the Commission dated June 14, 1905, denying said application.

July 18, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said application, be affirmed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying the application of Agnes Checotah for the enrollment of herself and her four minor children, Elmer, Willie, Nina and Ola Checotah, as Creek freedmen is hereby affirmed.

A copy of the Indian Office letter is inclosed.

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure

Refer in reply to the following:
Land
50152-1905

[illegible]

[illegible] June 18, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 27, 1905, transmitting the record of the application ,made May 18, 1904, for the enrollment as Creek freedmen by Agnes Checotah for herself and her minor children, Elmer, Willie, Nina and Ola Checotah.

June 14, 1905, the Commission decided adversely to all the applicants.

It does not appear from the record that any of the applicants is the descendant of a person whose name is found on the Dunn roll, and that it does not appear that the applicants or the father of the minors have ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal, and that no prior application has been made.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully

C F Larrabee
Acting Commissioner

IDM
W

No. 666

Muskogee, Indian Territory, October 3, 1906.

Agnes Cheechah,

Tulsa, Indian Territory.

Dear Madam:

You are hereby notified that under date of September 21, 1906, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1906, denying the application for the enrollment of yourself and your minor children, Elmer, Willie, Nina and Ola Cheechah, as Creek freedmen.

Respectfully,

Commissioner.

Ex 305

Muskogee, Indian Territory, October 3, 1908.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby notified that under date of September 21, 1908, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated June 14, 1908, denying the application for the enrollment of Agnes Checotah and her children, Elmer, Willie, Minn and Ola Checotah, as Creek Freedmen.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. MAY 16, 1904.

In the matter of the application for the enrollment of Stella Sells, and Birdie Sells, deceased, as Creek freedmen.

Sila Sells being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sila Sells.
Q What is your age? A Thrty.
Q What is your post office address? A Twine, I.T.
Q Do you make application for the enrollment of your minor children Stella and Birdie Sells as Creek freedmen? A Yes sir.
Q Are they both living? A Yes sir--- Stella is living but Birdie is dead.
Q When was Birdie Sells born? A In 1899; 1909; I disremember; I had these dates.
Q Have you got that date with you? A No sir.
Q What month was he born in? A I think he was born in the month of September.
Q What day of the month? A I disremember the day o' the month.
Q When did he die? A In 1899.
Q What month? A June.
Q How old was he when he died? A I don't remember.
Q About how old? A I can't tell you.
Q Was he a month or a year? A Yes sir, he was older than a month; or a year; about a year I guess.
Q What was the name of the father of these children? A Hardy Sells.
Q Of both of them? A Yes sir.

The records of the Commission show that Hardy and Sila Sells are listed for enrollment on Creek free man card Field No. 268, approved roll Nos. 968 and 969, respectively, and that their names are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902.

Q Did you have a child named Dewey? A Yes sir.
Q Was Birdie older than Dewey? A Yes sir.
Q How much older? A About a year older, I guess; I don't know exactly. I could remember when Birdie died without going to the record; he died in June.
Q What year? A 1899.
Q How old was she when he died? A That's what I don't know.
Q Did he die before Dewey was born? A Yes sir.
Q How long before? A About 2 months.
Q When was Stella born? A 1901.
Q What month and day? A April 25th.
Q Is she living? A Yes sir.
Q How old is she now? A Going on three years.
Q She isn't three yet? A No sir, I don't think she is quite three.

Excused and Sarah Howard called and sworn/ testified as follows:

Examination by the Commission:

Q What is your name? A Sarah Howard.
Q How old are you? A Thirty-one.
Q Ridge, I.T. is my post office.
Q Do you know Hardy Sells and his wife Sukkie Sila? A Yes sir.
Q Do you know a child of theirs named Birdie? A Yes sir.
Q Do you know when that child was born? A Y- No, I didremember.
Q Do you know when the child died? A If I am not mistaken he died in the year 1899.
Q What month and day? A June 12th.
Q Do you know a child of theirs named Stella? A Yes sir.
Q How far do you live from Hardy and Sila Sells? A About 7 or 8 miles I have heard them say.
Q Did you see Sila Sells soon after she was born? A Yes sir. About a month or two after she was born.
Q How old is that child now? A Going on three years old.
Q Do you know what month she was born in? A April 25th.
Q How comes that you know the exact date of her death? Is that what they told you? A I was there a few days before his birth and it wasn't long before his birth.
Q How much older was Birdie than Dewey? A I don't remember.
Q Have you any children about near the age of this child? A No, I guess not.
Q Do you know about how old Birdie was when he died? A No sir.

Excused and Grant Perryman called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Grant Perryman.
Q How old are you? A Thirty.
Q What is your post office address? A Twine.
Q Do you know Hardy Sells and his wife, Sila? A Yes sir.
Q Did you know a child of theirs named Birdie? A Yes sir.
Q Do you know when that child was born? A June 12, 1899. No sir, 1898.
Q That was 15 years ago; do you mean 1898? A Yes sir, it was 1898.
Q What month? A I don't know exactly what month.
Q When did the child die? A I don't know how many months.
Q Do you know a child of theirs named Stella? A Yes sir.
Q How old is that child? A About 3 years old.
Q More or less? A Less if anything.
Q How far do you live from them? A About 1/2 mile.
Q How long have you lived in that neighborhood? A About 7 years.
Q How far did you live from them when Birdie was born? A About 7 or 8 miles.
Q Did you put down in a book the dates of the birth and death of these children? A No sir.
Q Have you any children about the age of these children? A One.
Q What is its name? A Ollie May; she isn't enrolled.
Q What is the reason? Aint it old enough? A That's what they say.
Q Is it older than Stella or younger? A Younger; I don't know how much, its not as old as Stella though.
Q When was it born? A I think July.
Q What year? A 1901.

Excused and Stella Bells recalled.

Q Your correct name is Priscilla, isn't it? A Yes sir.
Q You have filed with the Commission an affidavit made by you regarding the birth of [illegible] year A Yes sir.
Q And also one about Birdie? A Yes sir.
Q Have you down in a book the date of the birth and death of this child? A I have the birth of both.

An affidavit relative to the birth of Stella Bells heretofore filed with the Commission is made part of the record herein.
Affidavits relative to the birth and death of Birdie Bells, heretofore filed, are made part of the record herein.

Henry C. Maine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 16, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Maine.

Subscribed and sworn to before me this 17th day of May, 1904.

Charles Hollaway
Notary Public.

In the matter of the application for the enrollment of Stella [redacted] Sells and Birdie Sells, [redacted] Choctaw Freedmen.

THOMAS E. TOLLEY, Attorney for applicants.

PRECILLA SELLS, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A Precilla Sells.
Q How old are you? A 32.
Q What is your postoffice address? A Twine.
Q Twine is called Taft now, is it not? A No, just Twine.
Q Are you the mother of Stella and Birdie Sells? A Yes.
Q When was Stella Sells born? A 1901, April.
Q What day of the month? A Third.
Q Did you bring in the book in which you have the birth and death of Birdie Sells written down? A No.
Q Is Stella living? A Yes.
Q Did you write down in a book when Stella was born? A Yes.
Q Have you not been told to bring in that book? A Yes, but I was down sick so I could not bring it in.
Q Why did you not bring it in this time? A I did not think of it this morning.
Q Who was present when Stella was born? A One of her aunts.
Q What is that aunt's name? A Dorcus Serrell.
Q Is she living? A Yes.
Q What is her postoffice address? A I do not know whether it is Lee or Boynton.
Q Did you look at the book in which you have the date of birth written down yesterday? A No, sir.
Q Have you looked at that book recently? A Yes, sir.
Q How long ago? A Three weeks ago, I guess.
Q How old is Stella now? A I do not know; she was born in 1901, April 3rd.
Q Do you give her presents on her birthday? A No.
Q Do you celebrate her birthday in anyway? A No, sir.
Q Does she have a birthday every year? A Yes.
Q How long before she will have another birthday? A April--this coming April.
Q How many months away is April, do you know? A Why, next month.
Q What kind of a book have you that date written in? A Little day book.

Zora Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zora Ellen Parrish

Subscribed and sworn to before me this 23rd day of March, 1906.

Edward Guiéard
Notary Public.

No. 489.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, MAY 9, 1908.

---oOo---

In the matter of the application for the enrollment of Stella and Birdie Sells as Creek Freedmen.

APPEARANCES: W. T. HOOD, Attorney for applicants.

SILLA SELLS, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Silla Sells.
Q How old are you? A Twenty-three.
Q What is your postoffice address? A Twine.
Q Are you a citizen of the Creek Nation? A Yes.

Witness is identified as Silla Sells on Creek Freedman Card, Field Number 968, and her name is contained in the partial list of citizens by Freedmen, Approved by the Secretary of the Interior March 13, 1908, Roll No. 968.

Q Have you a child named Birdie Sells? A Yes.
Q When was Birdie Sells born? A December 16, 1898.
Q Is Birdie living? A No, he is dead.
Q When did he die? A She died in 1899.
Q Is Birdie a boy or a girl? A Boy.
Q Have you a child named Stella Sells? A Yes.
Q Have you a child named Herbert Sells? A Yes.
Q When was Herbert born? A In 1897.
Q Is he living? A Yes, he is living.
Q When was he born? A I do not know the exact date but it was in 1897.
Q Was it the early part or the latter part? A In October, I think.
Q About how old was Herbert when Birdie was born? A I think he lacked twenty-one days of being a year old.

Herbert Sells, above referred to, is identified on Creek Freedman Card, Field Number 969, and his name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 13, 1908, Roll Number 970. It appears that he was enrolled in August 1898 and that his age at that time was given as nine months.

Q Are both Birdie and Stella Sells living? A Stella is living; that is her over there---Birdie is dead.
Q When was Stella born? A In 1901, April 3rd.

Zera Ellen Parrish being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to before me this 9th day of May, 1908.

Notary Public.

IN RE
THE DEATH OF

Billie Sells

a citizen of the

Creek Nation.

Approved ..... 190...

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Birdie Sells
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Lee
(Here insert name of postoffice.)
, Ind. Ter., and died on the 26th day of May, 1899.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, William Morris, on oath state that I am 47 years of age and a citizen, by Adoption, of the Creek Nation; that my post office address is Lee, I.T.
(Here insert name of post office.)
, Ind. Ter.; that I am a cousin
(State relationship as: the father, an uncle, a cousin, etc.)
of Birdie Sells
(Here insert name of deceased.)
, who was a citizen, by adoption, of the Creek Nation; and that said Birdie Sells
(Here insert name of deceased.)
died on the 26th day of May, 1899.

William Morris

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 1st day of Oct 1902.

Ralph N. Allen
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Robt Walker, on oath state that I am 53 years of age, and a citizen, by adoption, of the Creek Nation; that my post office address is Lee, I.T.
(Here insert name of post office.)
Ind. Ter.; that I was personally acquainted with Birdie Sells
(Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation; and that said Birdie Sells
(Here insert name of deceased.)
died on the 26 day of May, 1899.

Robert his + mark Walker

WITNESSES TO MARK:

(Must be Two Witnesses.)

Isb Baker
Daniel Peter

Subscribed and sworn to before me this 4 day of Oct 1902.

David A Lee
Notary Public.

143

IN RE

Application for Enrollment of

INFANT CHILD

Birdie Sells

as a citizen of

Creek Nation.

Approved ..... 190....

Commissioner.

Nov. 8. 1902

BIRTH AFFIDAVIT. 59

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Birdie Sells (Here insert name of child.), born on the 16th day of December, 1898.

Name of Father: Hardy Sells a citizen of the Creek Nation.

Name of Mother: Priscilla Sells a citizen of the Creek Nation.

Post-office Lee, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. }
Western District. }

I, Priscilla Sells, on oath state that I am 28 years of age and a citizen, by Adoption, of the Creek Nation; that I am the lawful wife of Hardy Sells, who is a citizen, by adoption, of the Creek Nation; that a male (male or female.) child was born to me on the 16th day of December 1898; that said child has been named Birdie Sells, and is now ~~living~~ dead

Priscilla Sells

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 6 day of Oct 1902.

David A. Lee
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. }
District. }

I, Donas Serrell, a midwife, on oath state that I attended on Mrs. Priscilla Sells, wife of Hardy Sells on the 16th day of December, 1898; that there was born to her on said date a male (male or female.) child; that said child is now dead ~~living~~ and is said to have been named Birdie Sells.

Donas Serrell

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 11th day of Oct 1902.

Joseph N. Allen
NOTARY PUBLIC

142

IN RE

Application for Enrollment of

INFANT CHILD

Stella Gibbs

as a citizen of

Creek Nation.

Approved ..... 190....

Commissioner.

Nov. 8, 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Stella Sells, born on the 3rd day of April, 1901

(Here insert name of child.)

Name of Father: Hardy Sells, a citizen of the Creek

Name of Mother: Priscilla Sells, a citizen of the Creek

Post-office Lee, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
..... District.

I, Priscilla Sells, on oath state that I am 28 years of age and a citizen, by Adoption, of the Creek Nation; that I am the lawful wife of Hardy Sells, who is a citizen, by Adoption, of the Creek Nation; that a female (male or female.) child was born to me on 3rd day of April 1901; that said child has been named Stella Sells, and is now living.

Priscilla Sells

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 24 day of Oct. 1902

Joseph N. Allen
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
..... District,

I, Dorcas Sewell, a midwife, on oath state that I attended on Mrs. Priscilla Sells, wife of Hardy Sells on the 3rd day of April, 1901; that there was born to her on said date a female (male or female.) child; that said child is now living and is said to have been named Stella Sells

Dorcas Sewell

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 12th day of Oct 1902

Joseph N. Allen
NOTARY PUBLIC

D. 12.
8/13

En [illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Stella Sells and Birdie Sells, deceased, as Creek Freedmen.

-: SUPPLEMENTAL STATEMENT :-

The records of the Commission show that Dewey Sells is listed for enrollment on Creek Freedman Card Field No. 868; that he was the child of Hardy and Sila Sells and that he was born November 21, 1899 and died August 10, 1901. The records further show that the name of said Dewey Sells is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 971.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Muskogee, Indian Territory.

November 14, 1904.

Enr. 489.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Stella Sells and Birdie Sells, deceased, as Creek Freedmen.

D E C I S I O N.

The record in this case shows that on May 16, 1904 Sila Sells appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her two minor children, Stella Sells and Birdie Sells, deceased, as Creek Freedmen. Further proceedings were had November 14, 1904, and March 21 and May 9, 1905.

The evidence shows that said Stella Sells and Birdie Sells, deceased, are the minor children of Hardy and Sila Sells, whose names are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll Nos. 968 and 969 respectively.

The evidence further shows that said Stella Sells was born during the month of April 1901, and was living at the date of her application herein, and that said Birdie Sells, deceased, was born during the year 1898 and died subsequent to April 1, 1899.

It is, therefore, the opinion of this Commission that said Stella Sells should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and that said Birdie Sells, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JUN 14 1905

Muskogee, Indian Territory,

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Stella Sells and Birdie Sells (deceased) as Creek Freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said persons will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Chairman.

JYP-15-22

Dr No 407

Muskogee, Indian Territory, Oct er 2, 1905.

Cravens, Rutherford & Cravens,
Attorneys for Hardy Sells, et al,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the name of Hardy Sells' deceased minor child, Birdie Sells, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior September 21, 1905, and that application by the legal representative for the heirs of said child for a selection of land in the Creek Nation may now be made at the Office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 8, 1906.

Birdy Sells.

Taft, Indian Territory.

Dear Sir:

You are hereby advised that the name of your deceased minor child, Birdie Sells, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior September 21, 1905, and that application by the legal representative for the heirs of said child for a selection of land in the Creek Nation may now be made at the Office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

870.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMULGEE, I.T., NOVEMBER 20th, 1903.

In the matter of accounting for those persons whose names appear on the Creek Tribal rolls, who died prior to April 1st, 1899, and are not shown upon said rolls to have been otherwise accounted for.

JIM HILL, being first duly sworn by R. R. Cravens, notary public testified as follows:

BY THE COMMISSION:

The object of this examination is to ascertain who of those members of Hillabee Canadian Town died prior to April 1st, 1899.

Q What is your name? A Jim Hill.
Q What is your age? A About 42.
Q What is your postoffice address? A Eufaula.
Q Are you a member of the House of Kings for Hillabee Canadian Town? A Yes, sir.

1890 Roll.

Q Hanie Gray? A That is meant for Henry Gray: Died before the land office opened.
Q Hillabee Harjo? A Died before the land office opened.
Q Harriett Keno? A She died since the land office opened.
Q Do you know it was since the land office opened? A Yes, sir.
Q Susan Keno? A She died long ago; before the land office opened.
Q Marther? A She died after the land office opened.
Q Big Lucy? A She died long ago.
Q Before the land office opened? A Yes, sir.
Q Hullegee? A She is dead long ago.
Q Before the land office? A Yes, sir.
Q Annie Coonhead? A She is dead a good while before the land office opened.
Q Ben Coonhead? A He died long ago. Before the land office.
Q Annie Bruner? A She is dead.
Q Before the land office opened? A Yes, sir.
Q Daniel C. Watson? A He is dead before the land office opened.
Q Tianner? A Died before the land office.
Q Emarthler? A Died long time ago.
Q Before the land office? A Yes, sir.
Q Waichee? A Dead long ago.
Q Before the land office opened? A Yes, sir.
Q Nokos Yarhola? A He is dead before the land office opened.
Q Wilson Pot? A He is dead long after the land office opened, but I would not say what month or what day.
Q George Givens? A He died after the land office opened.
Q Betsey Smith? A She died after the land office opened. I think they made affidavit for her.
Q Mary Smith? A She's dead - before the land office opened.
Q Is Mary Smith and Mary Francis the same person? A Yes, sir.
Q Amos Smith? A Died before the land office opened.
Q Alec Lasley? A He is dead, I think before the land office opened. Maybe after the land office opened. I don't know.
Q Is there any body here who would be likely to know? A I think he was dead before the land office opened.
Q Wiley Lasley? A He died after the land office opened.
Q Rob Kano? A He is dead long ago - died before the land office opened.
Q Here is Sallie Hawkins? A She is dead long ago.
Q Before the land office opened? A Yes, sir.
Q Jannattie Deer? A She is dead. Died before the land office opened.

HILLARDS CANADIAN TOWN, ss.

Rose Brumer? A She is dead before the land office opened.
Q Frankie Brumer? And Joe Brumer? A Both died before the land office opened.
Q [illegible] and Jim? A Died before the land office opened.
Q All three of them? A Mingo is dead before the land office. Lucy and Jim both died after the land office opened.
Q What name did Lucy go by? A Lucy Marie Marje.
Q And Mat Leach I [illegible] A [illegible]
Q What name does [illegible] A [illegible]
Q [illegible]? A Died after the land office opened.
Q [illegible] A [illegible] opened.
Q [illegible] A [illegible] before the land office opened.
Q Eliza and Frank is Sid Tom's family? A Eliza I think is dead after the land office opened, but I cannot say.
Q What name did she go by? A Eliza Jackson.
Q What about Frank? A Don't know.

1896 Roll.

Q Buddie Hall? Do you know him? A Died before the land office opened.
Q Lucy Bellen? A I think she is dead before the land office opened.
Q Daniel Kane? A Dead before the land office opened.
Q Nancy Deer, on the 1891 Omitted Roll? A I don't know about her.
Q Do you know anything about Thomas McCall? A No, sir, don't know.

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the above and foregoing matter, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

R M Travis

Subscribed and sworn to before me this the 2nd day of December, A. D., 1903, at Muskogee, Indian Territory.

Edward Merrick.
NOTARY PUBLIC.

[redacted] FIVE CIVILIZED TRIBES.
[redacted], I.T., May 17, 1906.

In the matter of the application for the enrollment of Martha [redacted], deceased, as a citizen by blood of the Creek Nation.

James Hill, being duly sworn, testified as follows through the official interpreter, Alex Posey:

Examination by the Commission:

Q What is your name? A James Hill.
Q How old are you? A Forty three.
Q What is your post office address? A Hasson.
Q Do you make application for the enrollment of Martha as a citizen by blood of the Creek Nation? A Yes sir.
Q Is she living or dead? A Dead.
Q How old was she when shedied? A About 60.
Q Did she live in the Creek Nation all her life? A Yes sir.
Q Was she a full blood? A Yes sir.
Q To what town in the Creek Nation did she belong? A Hillubbee Canadian.
Q Was she any kin to you? A No kin.

The 1890 authenticated tribal roll of the Creek Nation examined and the person for whom application is now made identified thereon at page 116, Hillubbee Canadian town, as Martha.
the 1895 pay roll of the Creek Nation examined and the person for whom application is made identified thereon at #42.

Q Did she ever have any other name? A Mahta.
Q Did she have a family name? A That's the only name she had.
Q When did she die? A 22nd of October, 1899.
Q To what town do you belong? A Hillubbee Canadian.
Q Are you one of the officers of that town? A Member of the House of Kings.
Q Do you have charge of the town rolls of your town? A He has no rolls; he says he had a transcript of one but he lost it.
Q How is it you fix the date of her death? A He says that she was his neighbor and he helped bury her.
Q Did she die before the Creek land office opened, or after? A After.
Q How far did she live from you whe she died? A About a mile.
Q Has she any children living? A She had no children except grandchildren living.
Q Have you any interest in this case other than as town king to see that the members of your town are all enrolled who are entitled? A We has no interest outside of that.

Witness excused and William Barnett called and sworn, testified as follows through official interpreter; A.Posey:

By the Commission:

Q What is your name? A William Barnett.
Q How old are you? A Forty-seven.

Q What is your [illegible] address? A [illegible].
Q To what town do you belong? A Hillabee Canadian.
Q Do you know [illegible]? A Yes sir.
Q Did you live [illegible]? A [illegible].
Q [illegible] of your town? A At the time of her death he was a member of council.
Q Are you [illegible]
Q Did she die before the Creek land office opened, or after? A After.
Q Have you any [illegible] in this case other than to see that the members of your town who are entitled should be enrolled? A No.
Q She has no living children? A No children, except grandchildren.
Q What are the names of the grand-children? Do you know them?
A Taylor Foley; Kizzie Foley; Mary Foley, she's dead. Thomas [illegible] is one of the grandchildren too.

An affidavit heretofore filed with the Commission relative to the death of Martha is made part of the record in this case, and also evidence in the matter of accounting for persons whose names appear on the Creek tribal rolls, not otherwise accounted for, taken at Okmulgee, November 20, 1903.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 17, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 18th day of May, 1904.

Charles H. Sawyer

Notary Public.

[illegible] Canadians

Aa42 - 1895 Roll

IN RE
THE DEATH OF

Martha

a citizen of the

Creek Nation.

Approved 1

Commissioner.

On 1890 roll page 116

" [illegible] "

E. 70 Says died after the Land Office opened [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Aug 26 1901
[illegible] Acting Chairman.

Recd August 26 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Martha (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Thurman (Here insert name of post office.), Ind. Ter., and died on the 27 day of October, 1899

AFFIDAVIT OF ~~RELATIVE~~ acquaintance

UNITED STATES OF AMERICA, } (INDIAN TERRITORY,)
Northern District. }

I, James Hill, on oath state that I am 40 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula (Here insert name of post office.), Ind. Ter.; that I am personally acquainted with (State relationship, as: the father; an uncle; a cousin, etc.) of Martha (Here insert name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Martha (Here insert name of deceased.) died on the 27 day of October, 1899

WITNESSES TO MARK:

(Must be Two Witnesses.)

James Hill

Subscribed and sworn to before me this 27 day of August 1901.

William J Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY,)
Northern District. }

I, William Barnett, on oath state that I am 45 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Thurman (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Martha (Here insert name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Martha (Here insert name of deceased.) died on the 27 day of October, 1899

WITNESSES TO MARK:

(Must be Two Witnesses.)

W. A. Wallace
George W. Tiger

his
William X Barnett
mark.

Subscribed and sworn to before me this 27 day of August 1901.

William J Martin
Notary Public.

1918

No. 190

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on May 17, 1904, James Hill appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Martha, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said Martha is identified on the 1890 authenticated tribal roll of the Creek Nation and the 1895 pay roll of said nation; that she died October 22, 1899, and that she resided in the Creek Nation all her life.

The evidence further shows that said Martha was a full blood Creek Indian.

It is, therefore, the opinion of the Commission that said Martha, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress, June 28, 1898, (30 Stats., 495) and March 3, 1901 (31 Stats., 861) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

July 12, 1904

No. 690

Muskogee, Indian Territory, July 13, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Martha, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Martha, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-4-13.

Muskogee, Indian Territory, January 4, 1906.

Tamma Hill,

Masson, Indian Territory.

Dear Sir:

You are advised that the name of Martha, deceased, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. May 24, 1904.

In the matter of the application for the enrollment of George Hawkins as a Creek Freedman.

APPEARANCE: G.A.Murphy, attorney for applicant.

George Hawkins being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A George Hawkins.
Q How old are you? A Thirty.
Q What is your post office address? A Okmulgee.
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.
Q What town in the Creek Nation do you claim to belong to? A I don't know.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q Do you live in the Creek Nation now? A Yes sir.
Q How long have you lived in the Creek Nation? A About 4 years
Q Where did you come from? A Nebraska here.
Q How long did you live in Nebraska? A I don't know; about 14years.
Q Did you ever live in the Creek Nation prior to your coming here four years ago? A Yes sir.
Q When??A 1899 and 1891 and before that.
Q Where were you born? A In the State of Georgia.
Q What is the name of your father? A Isaac Hawkins.
Q Is he living or dead? A Dead.
Q How long has he been dead? A About 10 years.
Q Where did he live when he died? A Creek Nation.
Q Was he a citizen of the Creek Nation? A Yes sir he was.
Q To what town in the Creek Nation did he belong? A I don't know.
Q What was the name of your mother? A Sarah.
Q Is she living or dead? A Dead.
Q How long has she been dead? A She's been dead 10 or 11 years.
Q Was she a citizen of the Creek Nation? A Yes sir; I suppose so being his wife; I don't know whether my mother got on the rolls or not.
Q Have you got any brothers or sisters? A Yes sir.
Q Where are they? A Texas.
Q Did they ever live in the Creek Nation? A No sir, not as I knows of.

I [redacted] ever known by any other name besides Hawkins [redacted]

Case continued for further evidence

Henry G. Laine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 24, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Laine.

Subscribed and sworn to before me this 24th day of May, 1904.

Charles H. Sawyer

Notary Public.

I.D.

No. 492.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of George Hawkins as a Creek Freedman.

-: S U P P L E M E N T A L S T A T E M E N T :-

Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined and neither the father nor the mother of the applicant identified thereon.

Tribal Rolls of the Creek Nation in the possession of the Commission examined and the applicant herein not identified on any of said Rolls.

Record of the proceedings of the Colbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

Record of the proceedings of the Five Civilized Tribes under authority of the act of Congress of June 10, 1896, examined and it does not appear that application was made to the Commission for the admission of the applicant herein to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner.

Muskogee, Indian Territory,

January 24, 1905.

I.D.

D. D.

No. 491.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of George Hawkins as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on May 24, 1904, George Hawkins appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had January 24, 1905.

At the conclusion of the testimony of May 24, 1904, this case was continued for further evidence. No further evidence has been offered by the applicant.

The evidence shows that the applicant was thirty years old at the date of the application herein and that he is not the descendant of a person who is identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

It does not appear from the evidence that the applicant has ever been enrolled as a citizen of the Creek Nation, nor does it appear that he has ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said George Hawkins as a Creek Freedman and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
APR 20 1905

En-491. DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES, I.T.

In the matter of the application for the enrollment of George Hawkins as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on May 24, 1904, George Hawkins appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had January 24, 1905.

At the conclusion of the testimony of May 24, 1904, this cause was continued for further evidence. No further evidence has been offered by the applicant.

The evidence shows that the applicant was thirty years old at the date of the application herein and that he is not the descendant of a person who is identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

It does not appear from the evidence that the applicant has ever been enrolled as a citizen of the Creek Nation, nor does it appear that he has ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said George Hawkins as a Creek Freedman and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby, Chairman.
" T. B. Needles, Commissioner.
" C.R.Breckinridge,
Commissioner.

Muskogee, Indian Territory,

April 20,1905.

2, 4

Cr.Rn.491.

Muskogee, Indian Territory, April 22, 1909.

G. A. Murphy,

Attorney for George Hawkins,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George Hawkins as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

IM-4-22-109.

D. D.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cr.Bk. 491.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 22, 1905.

George Hawkins,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.
IM-4-22-107.

D.D.

Cr.No. 401.

Muskogee, Indian Territory, April 30, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of George Hawkins, as a Creek Freedman, involving the decision of the Commission dated April 20, 1906.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

DM-4-22-111.

Muskogee, Indian Territory, April 21, 1902.

W. L. Wells,
Attorney for Creek Freedmen,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George Hawkins as a Creek Freedman, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

IM-22-110. Chairman.

Refer in reply to the following:
Land 51905-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 29, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 22,1905, transmitting the record of the application made May 24,1904, for enrollment as a Creek Freedman by George Hawkins.

April 20,1905, the Commission decided adversely to the applicant.

The record shows that the applicant was thirty years old at the date of application and that he is not a descendant of a person who is identified on the Dunn Roll. It does not appear that he has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee,
Acting Commissioner.

M.M.M.
W.

I.T.D. 4732-1905. LLB.LRS .GR.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, JUNE 19,1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

April 22,1905, you transmitted the record of the application of George Hawkins for his enrollment as a Creek freedman, including your decision dated April 20,1905, adverse to the applicant.

April 29,1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to the application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated April 20,1905, denying the application of George Hawkins for his enrollment as a Creek Freedman is hereby affirmed.

Respectfully,

(Signed) E.A.Hitchcock
Secretary.

1 inclosure.

N. B. N.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cr.En. #91.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 28,1905.

George Hawkins,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19,1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself as a Creek Freedman.

Respectfully,

Chairman.

Gr.No.491.

Muskogee, Indian Territory, June 28,1906.

G. A. Murphy,

Attorney for George Hawkins,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19,1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of George Hawkins, as a Creek Freedman.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 28, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of George Hawkins, as a Creek Freedman.

Respectfully,

Chairman.

No. 401

Muskogee, Indian Territory, November 29, 1904.

G. A. Murphey,

Attorney for George Hawkins,

Muskogee, Indian Territory.

Sir:

May 24, 1904, George Hawkins appeared before the Commission and made application for enrollment as a Creek Freedman. You appeared as his attorney. At the conclusion of the evidence then offered, the case was continued.

You are advised that the applicant will be allowed thirty days from date within which to submit additional evidence and if, at the expiration of that time, no further evidence has been offered the case will be adjudicated upon the record now before the Commission.

Respectfully,

Commissioner in Charge.

3813

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

No. 491

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 29, 1904.

George Hawkins,

Okmulgee, Indian Territory.

Dear Sir:

May 24, 1904, you appeared before the Commission and made application for enrollment as a Creek Freedman. At the conclusion of the evidence then offered, the case was continued.

You are advised that you will be allowed thirty days from date within which to submit additional evidence and if, at the expiration of that time, no further evidence has been offered, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Commissioner in Charge.

Register

CR EN 492

CR 492

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 1st, 1901.

In the matter of the application of Willie Jones for enrollment as a citizen of the Creek Nation. Willie Jones being duly sworn, testified as follows:

Examination by the Commission.

Q As a citizen of what Nation are you making application for enrollment? A Creek Nation.
Q What is your name? A Willie Jones.
Q What is your age? A Twenty three years.
Q What is your post office address? Muskogee, Indian Territory.
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation?
A Yes sir.
Q Have you ever been enrolled by the Creek tribal authorities of the Creek Nation as a citizen of the Creek Nation?
A Yes sir.
Q Does your name appear on the tribal rolls of the Creek Nation? A Yes, I guess so.
Q Did you ever draw any money in any of the payments?
A No sir.
Q Then you never drew the $29 or the $14.40? Never drew either of them? A I did'nt draw, no sir.
Q What makes you think your name is on the roll? A What makes me think it is on the roll? I did'nt think it was on the roll, it ought to be if they did'nt take me of.

1890 and 1895 Authenticated rolls of the Creek Nation Arkansas Town, examined and the name of the applicant not found thereon.

Q Were you admitted by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation under the act of Congress approved June 10th, 1896? A Yes sir.
Q Did you ever go by any other name besides Willie Jones?
A Yes sir.
Q What was it?? A Willie Barnett.
Q What name did you have in 1896 when you were admitted by the Commission ? A Willie Barnett.

The list of citizens admitted by the Commission to the Five Civilized Tribes examined and the name of Willie Barnett found to have been admitted in case number 168. No appeal was taken.

Q Where do you live? A I live about 12 miles from here.
Q In the Creek Nation? A Yes sir.
Q How long have you lived there? A I don't know exactly, but its been about three years.
Q Where did you live before that? A Part here and part in Texas, going back and forths.
Q And so you lived in Texas before that? A I did'nt live there any longer that I did here.
Q How long did you live in Texas? A I don't know.
Q Well about how long? A It was'nt a year .
Q Where did you live before that? A I don't know, I lived down here.
Q So you did live in Texas, did you? A Yes sir, after I was married.
Q When were you married? A I was married about six years.

#2. Willie Jones.

Q Where did your husband live? A He lived there.
Q And have lived there with him until you came here three years ago? A Yes sir.
Q You hav'nt been back to Texas since then? A No sir.
Q What is the name of your father? A Charley Terry.
Q Is he living? A No sir, he is dead.
Q Is his name on any of the rolls of the Creek Nation?
A No sir.
Q What is your mother's name? A Sarah Newman.
Q Is she living? A Yes sir.
Q Is her name on any of the rolls of the Creek Nation?
A I guess so.
Q To what town in the Creek Nation does she belong?
A Creek Nation.
Q What town? A Arkansas.

The records of the Commission show that Sarah Perryman is enrolled on Creek Freedman Card Field Number 888.

Q Have you been outside the Territory in the last three years?
A No sir.
Q Have you any children under twenty one years of age and unmarried for whom you now desire to make application for enrollment? A I got some small ones.
Q What are their names and ages? A Gertha Jones 5 years,
Q The next one? A Alverta Jones 4 years old.
Q The next one? A Carrie Jones 2 years old.
Q And the next one? A Henry Jones a year old.
Q Is that all? A Yes sir.
Q Are all these children living at home now? A Yes sir.
Q Do their names appear on the tribal rolls of the Creek Nation? A No sir.

The records of the Commission show that Willie Barnett now Willie Jones was refused enrollment on June 13th, 1899 , for the reason that she did not return to or reside in the Indian Territory until subsequent to June 28th, 1898.

Q Is there any additional statement that you desire to make with reference to your application? A No sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself and your minor children, which will be mailed to you at your present post office address at Muskogee, Indian Territory.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedingds had in the above entitled cause on the 30th day of April, A. D. 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Lona Cummings

Subscribed and sworn to before me at Muskogee, Indian Territory, this 2nd day of May, A.D.,1901.

[redacted]
Acting Chairman.

96

IN RE

Application for Enrollment of

INFANT CHILD

Luther Jones

as a citizen of

.....Nation.

Approved ..... 190....

.....
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
April 6, 1903

BIRTH AFFIDAVIT. 29

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Gertha James, born on the 16 day of October, 18[illegible]
(Here insert name of child.)
Name of Father: Willis James, a citizen of the United States,
Name of Mother: Willie James, a citizen of the Creek Nation.
Post-office Muskogee I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Willis James, on oath state that I am 29
years of age and a citizen, by adoption, of the Creek Nation;
that I am the lawful wife of Willis James, who is a citizen, by
[illegible], of the United States Nation; that a female child was
born to me on 16 day of October 18[illegible]; that said child has been
named Gertha James, and is now living.

WITNESSES TO MARK:
(Must be Two Witnesses)

Willis Jones

Subscribed and sworn to before me this 7th day of October 1901.

[illegible]
NOTARY PUBLIC.
My Com. Exp. Dec. 13th 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Dora Newman, a Midwife, on oath state that I
attended on Mrs. Willis James, wife of Willis James
on the 16 day of October, 1901, that there was born to her on
said date a female child; that said child is now living and is said to have been
named Gertha James.

Dora (her) X (mark) Newman

WITNESSES TO MARK:
(Must be Two Witnesses)

Willis Jones

Subscribed and sworn to before me this 7th day of Oct 1901.

[illegible]
NOTARY PUBLIC
My Com. Exp. Dec. 13th 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
October 7th, 1901, Muskogee, Indian Territory.

In the matter of the application of Willie Jones for the enrollment of his wife, Willie Jones, and her minor children Alberta Jones, Carrie Jones, and Henry Jones, as citizens of the Creek Nation, under the treaty of March 1, 1901.

Willie Jones, being duly sworn, testified as follows:

By the Commission:

Q. As citizens of what nation are you now making application for the enrollment of your wife and her minor children? A. Creek Nation.
Q. What is your name? A. Willie Jones.
Q. What is your age? A. Thirty-one.
Q. What is your post office address? A. Muskogee.
Q. Are you a citizen of the Creek Nation? A. No, sir.
Q. What is your citizenship? A. United States.
Q. How do you represent your wife, Willie Jones? A. By power of attorney.
Q. What is your wife's age? A. Twenty-three.
Q. What is her post office address? A. Muskogee.
Q. Has she ever been listed for enrollment by the Commission? A. Yes, sir.
Q. What was your wife's name before she was married? A. Barnett.

"The records of the Commission show that Willie Barnett was listed for enrollment on Creek Freedmen card, field number 886, but that she was refused enrollment for the reason that she did not return to and reside in the Indian Territory subsequent to June 30, 1898.

The records of the Commission also show that Willie Barnett was admitted by the Dawes Commission in 1898, case No. 164, and no appeal taken."

Q. What are the names and ages of your minor children for whom you are now making application for enrollment? A. Alberta, born 9th day of October, 1896; Carrie, born 30th day of September, 1898; and Henry, born 18th day of December, 1899.
Q. Are your wife and minor children now living? A. Yes, sir.
Q. Do they live with you? A. Yes, sir.
Q. Where do you live? A. Twelve miles from here.
Q. What Nation? A. Creek Nation.
Q. How long have you lived there? A. I have lived here two years. My wife and children have lived here very near three years.
Q. Are you the father of these children? A. Yes, sir.
Q. Who is the mother? A. Willie Jones.
Q. Who is the father of Willie Jones? A. Her father was named Charley Terry.
Q. Is he a citizen of the Creek Nation? A. No, sir.
Q. Is he a citizen of the United States? A. Yes, sir.
Q. What is the name of her mother? A. Sarah.
Q. Sarah what? A. Sarah Newman.
Q. Is she a citizen of the Creek Nation? A. Yes, sir.
Q. To what town does she belong? A. Arbanaw.
Q. What town does Willie belong to? A. Same town.

R. B. Eisenberg, being duly sworn, states, as stenographer to

[redacted]

[redacted] Alaska Territory, this [redacted]
[redacted] October, 1903.

[redacted]

Acting Chairman.

(Duplicate)

En. 498.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Gertha Jones as a Creek freedman.

D E C I S I O N.

The record in this case shows that on May 1, 1901, Willie Jones appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor children, Gertha, Alberta, Carrie and Henry Jones, as Creek freedmen.

The application for the enrollment of Willie, Alberta, Carrie and Henry Jones having been heretofore disposed of, is not considered in this decision.

It appears from the evidence that said Gertha Jones was born October 16, 1895 and was living at the date of the application herein; and that she is the child of Willie Jones who was admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes according to the provisions of the act of Congress, June 10, 1896 (29 Stats., 321), and that no appeal was taken from the decision of the Commission.

An examination of the records of the Commission shows that said Gertha Jones was not admitted to citizenship in the Creek Nation under said act of June 10, 1896. Further examination of the records of the Commission shows that the name of Willie Jones, mother of Gertha Jones, is contained in the partial list of Creek freedmen approved by the Secretary of the Interior December 1, 1905, No. 3360.

Following the ruling of the Department in the Angeline King Creek case, it is the opinion of the Commission that said Gertha Jones should be enrolled as a Creek freedman in accordance with the acts of Congress, June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

July 12, 1906

No. 498.

Muskogee, Indian Territory, July 18, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Bertha Jones as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Bertha Jones will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Chairman.

HGH-8-13.

Creek 2N 498

Muskogee, Indian Territory, January 4, 1905.

Willie Jones,

Twine, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Gertha Jones, is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior December 24, 1904, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

QR 181 .W3

QR 181 W3

Creek No. [illegible].

Muskogee, Indian Territory, May [illegible], 1903.

A. P. Murphy,

National Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

April 18, 1903, William Sherman [illegible] appeared before the Commission and made application for the enrollment of himself as a citizen of the Creek Nation. A copy of the testimony is inclosed.

The Creek Nation will be allowed a reasonable time within which to submit such evidence in the case as it may desire.

Respectfully,

Chairman.

OCF-43.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. MAY 27, 1904.

In the matter of the application for the enrollment of John Partlow as a citizen by blood of the Creek Nation.

APPEARANCES: Myron White, attorney for applicant.

John Partlow being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A John Partlow.
Q How old are you? A Will be 27 in August.
Q What is your post office address? A Claremore.
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes sir.
Q Do you live in the Creek Nation? A Yes sir, I am living here now; I am going out to work.
Q How much Creek blood do you claim to have? A Its more than half.
Q Where were you born? A South Carolina.
Q How long did you live in South Carolina? A I don't know exactly.
Q Where did you go to from South Carolina? A St. Louis and Kansas and Oklahoma and round here in the Creek Nation.
Q How long have you lived in the Creek Nation? A I have stayed in the Creek Nation over two years and more.
Q How long have you lived in Indian Territory? A I stayed in there nearly three years.
Q Did you ever draw any money from the Creek Nation? A No sir, never have.
Q What is the name of your father? A Mack Partlow.
Q Is he living or dead? A Was living the last time I heard from him.
Q Do you claim he had any rights in the Creek Nation? A I never heard him say whether he was Creek or not.
Q Where does he live, do you know? A Last I heard from him he was back in South Carolina.
Q What is the name of your mother? A Versa Partlow.
Q Is she living or dead? A She's dead.
Q How long has she been dead? A Over 20 years; between 24 and 25.
Q Where did she live when she died? A Stayed in South Carolina.
Q Did she ever live in the Creek Nation? A I never heard her say but I have heard the white folks say she was a Creek.
Q To what town in the Creek Nation do you claim to belong? ----- The Creek Nation is divided into 47 towns. A I don't know.

The tribal rolls of the Creek Nation in the possession of the Commission examined and the name of Partlow not found thereon, and the applicant not identified on any of said rolls.

Henry G. Raine being sworn, on his oath states that as stenographer

[redacted]

Charles H. Sawyer

Notary Public.

883

En. 475.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Partlow as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on May 27, 1904, John Partlow appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation.

It appears from the evidence that the applicant is not a full blood Creek Indian, nor is he identified on any tribal roll of the Creek Nation, in the possession of the Commission.

It does not appear from an examination of the records of the Commission and the records of the Creek Nation, in the possession of the Commission, that the applicant has ever been admitted to citizenship by the Creek Tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It is the opinion of the Commission that there is no authority of law for the enrollment of said John Partlow as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

Aug 3. 1904

8813

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
En. 493.

Muskogee, Indian Territory, August 3, 1904.

John Partlow,

Claremore, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

HGH-7-3-8.

8813

No. 493.

Muskogee, Indian Territory, August 3, 1904.

Myron White,

Attorney for John Partlow,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of John Partlow for enrollment as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HGH-8-3-8.

8813

En. 495.

Muskogee, Indian Territory, August 3, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of John Partlow for enrollment as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HGH-9-3-8.

2993

No. 498.

Muskogee, Indian Territory, August 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of John Partlow for enrollment as a citizen by blood of the Creek Nation, including the decision of the Commission, dated August 5, 1904, denying said application.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

HGH-10-3-8.

D.L.H. 10179-1904. DEPARTMENT OF THE INTERIOR THE M.C.F.
L.R.S. WASHINGTON October 15, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 3, 1904, you transmitted the record in the matter of the application of John Partlow for enrollment as a citizen by blood of the Creek Nation, including your decision of the same date denying said application.

The applicant states that he was 27 years of age at the date of the application herein; that he is more than one-half Creek Indian; that he was born in South Carolina and has lived in the Indian Territory nearly three years, and in the Creek Nation over two years. His name does not appear upon any of the rolls of the Creek Nation.

Reporting October 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision, in so far as it rejects the application, is affirmed.

Respectfully,

(Signed) Thos. Ryan

Actin. Secretary

1 inclosure.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.

Land
53626-1904.

WASHINGTON, October 10, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 3, 1904, transmitting the record of the application for the enrollemtn as a citizen by blood of the Creek Nation by John Partlow.

August 3, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is not a full-blood Creek Indian, nor is he identified on any tribal roll of the Creek Nation in the possession of this office. It does not appear from the record or the records of this office that the applicant has ever been admitted to citizenship by any authority of the Creek Nation or by the United States.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

M.M.M.
W.

COMMISSIONERS:
TAMS BIXBY,
TIMOTHY D. HOWARD,
C. R. BREEDLOVE.

WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
No. 495

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 26, 1904.

John Partlow,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Register.

No. 693

Muskogee, Indian Territory, October 26, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission, dated August 3, 1904, denying the application of John Partlow for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Creek No. 448

Muskogee, Indian Territory, October 26, 1904.

Myron White,

Attorney for John Partlow,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying the application of John Partlow for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Creek No. 493

Muskogee, Indian Territory, October 20, 1904.

Myron White,

Attorney for John Partlow,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 18, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying the application of John Partlow for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Cr An 493

Muskogee, Indian Territory, October 5, 1905.

J. F. Partlow,

Muskogee, Indian Territory.

Dear Sir:

Receipt is acknowledged of your communication of September 21, 1905, by reference from the Secretary of the Interior, relative to your right to enrollment as a citizen by blood of the Creek Nation. It is presumed that you are the same person as John Partlow, who made application to the Commission to the Five Civilized Tribes, on May 17, 1904, for enrollment as a citizen by blood of the Creek Nation.

In reply you are advised that on August 3, 1905, this Office rendered a decision, denying said application, and that said decision was, on October 16, 1905, affirmed by the Secretary of the Interior.

Respectfully,

Commissioner.

Cr.Rm.495.

Muskogee, Indian Territory, August 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of October 18, 1904 (I.T.D. 10178-1904), affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying the application for the enrollment of John Partlow, as a citizen by blood of the Creek Nation.

There is transmitted herewith communication from said applicant under date of June 25, 1906, received at this office on the same date, requesting that said cause be reopened for a new hearing. There is also transmitted motion for rehearing of said cause, postmarked at Muskogee, Indian Territory, June 25, 1906, and received at this office June 26, 1906.

The statement set forth in said motion as grounds for rehearing is merely general in character. Said motion is not accompanied by affidavit, nor is there proof of service of copy of same upon the attorney for the Creek Nation. It is not set out in said motion as to the nature of the proof desiredthe be sub

[illegible]

[illegible]

[illegible] I respectfully recom-
mend [illegible]

Respectfully,

[illegible]. Commissioner.

Through the
Commissioner of Indian Affairs.

Cr.En. 493

Muskogee, Indian Territory, November 1,1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of October 18, 1904 (I.T.D. 10128-1904), affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying the application for the enrollment of John Partlow, as a citizen by blood of the Creek Nation.

On August 6, 1906, the Commissioner forwarded to the Department a communication from said applicant received at this office June 25, 1906, together with a motion for rehearing of said case, postmarked Muskogee, Indian Territory, June 25,1906, and received at this office June 26, 1906.

There is herewith transmitted for departmental consideration the affidavit of George Brooks, filed at this office October 1, 1906, which is intended to support the aforesaid motion for rehearing.

It is the opinion of the Commissioner that the statements set forth in said affidavit are wholly immaterial to a proper

Secretary D.

Exception of this case and even if supported by testimony they would have no bearing on the propriety of leave, and the Commissioner respectfully renews its recommendation that said motion to reopen be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

[redacted] Nation,

J.T.
S.T.

F.T.D. [illegible]. March 6, 1907.

L.W.

DENIED.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of Indian Office letter of March 4, 1907, submitting an affidavit by John Porter, applicant for enrollment as a citizen of the Creek Nation.

Considering this affidavit in the nature of a motion for a rehearing, the Indian Office recommends that it be denied.

The recommendation of the Indian office is concurred in.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,
Acting Secretary.

7 inc. to Ind. Of.

W.H.
3-8-07.

Inds. The
application of
Johnie Pallen
for Enrollment
as Creek Freedman

Affidavit

10-1-06.

In Re, the Application Of Johnie Partlow for Enrollment as Creek Citizen by Blood.-- Re-Opening.

United States Of American,
Indian Territory,
Western District. } ss.

Before me a Notary Public in and for the Western District, Indian Territory, duly commissioned and acting as such, this day personally appeared ~~Johnie Partlow~~ George Brooks, who being by me first duly sworn deposes and says: That he is well acquainted with the Applicant, Johnie Partlow, well known as Little Johnie, a small boy of perhaps eight or nine years of age; that affiant first saw the applicant at affiant's home in Grayson, Pitt County, North Carolina, near where the applicant's mother lived with some Colored people by the name of Gillam or Gillam family; that in fact on or about the matter the mother of the applicant died, when the applicant became a member of affiant's home, where he remained until this affiant's removal to Pauls Valley, Indian Territory, Johnston County, about the year 1900, when the Applicant went with the family to their home in Oklahoma, from which place, after the space of perhaps one year, he came to the Creek Nation, Indian Territory, where he has since resided.

Affiant further says that he was frequently asked with the Applicant's mother, Versus Senior, generally reputed to be a full-blood Creek Indian, who had come there from the Indian Territory, where the mother of the Applicant and those about her claimed she had been born. Affiant further says that from the general assurance of the Applicant's mother the said Versus Senior, there could be no doubt that she was an Indian of the full-blood.

Further affiant saith not.

(Signed) George W. Cupp
(Signed) George Brooks

Subscribed and sworn to before me this 20th day of September, A. D. 1907.

(Signed) George W. Cupp
Notary Public.

My commission expires June 16, 1907.

In Re the Application Of Johnie Partlow for Enrollment as Creek Citizen by Blood.-- Re-Opening.

United States Of America,
Indian Territory,
Western District. (SS.

Before me a Notary Public in and for the Western District, Indian Territory, duly commissioned and acting as such, on this day personally appeared ~~Johnie Partlow, to~~ [illegible] George Brooks, who [illegible] first duly sworn deposes and says: That he is well acquainted with [illegible] Johnie Partlow, having known [illegible] since [illegible] of perhaps eight or nine years of age; that affiant first [illegible] South Carolina, [illegible] applicant's mother lived with some Colored people [illegible] applicant [illegible] the applicant [illegible] the applicant [illegible] Ol- [illegible] about the year [illegible], when the applicant was with [illegible], from which place, after the space of perhaps one year, [illegible] came to the Creek Nation [illegible].

[illegible] applicant's mother, Versus Senior, generally reputed to [illegible] full-blood [illegible] from the Indian Territory [illegible] mother of the applicant and those about her claimed she [illegible] applicant's mother [illegible] Versus Senior, there could [illegible] full-blood.

Witnesses:

Subscribed and sworn to before me this [illegible] day of Sept[illegible], A.D. 19[illegible].

Notary Public.

My commission expires ______________, 19__.

In the Dawe Commission to the Five Civilized Tribes for the Indian Territory, at Muskogee.

In Re application of John Partlow, a Creek Indian, whose application has been rejected.

Comes now the above named applicant and files his motion for a rehearing before the above commission, and for a reopening of his case, and for grounds therefor, he states that he produce good and sufficient proof that he has Creek Indian Blood in him and that he is entitled to be plated upon the rolls, and that if he can get his case reopened he can and will produce sufficient witnesses to prove that he is entitled as claimed.

In the Dawes Commission to the Five Civilized Tribes for the Indian Territory, at Muskogee.

In Re application of John [illegible], a Creek Indian, whose application has been rejected.

Comes now the above named applicant and files [illegible] motion for a rehearing before the above commission, and for [illegible] of his case, and for grounds thereof, he states that he produced good and sufficient proof that he has Creek Indian blood in him and that he [illegible] that if he can not his

Dawes Commission to the Five Civilized
Tribes of the Indian Territory, at Muskogee.

In Re application of John Partlow, a Creek Indian, whose application has been rejected.

Comes now the above named applicant and files his motion for a rehearing before the above commission, and for a reopening of his case, and for grounds therefor, he states that he produce good and sufficient proof that he has Creek Indian Blood in him and that he is entitled to be placed upon the rolls, and that if he can get his case reopened he can and will produce sufficient witnesses to prove that he is entitled as claimed.

[redacted] OF THE [redacted]
[redacted] TO THE FIVE CIVILIZED TRIBES,
[redacted], I.T., MAY 31, [redacted].

In the matter of the application of Lucy Porter, for the enrollment of herself and her two minor children, Cilla and Estella, as citizens by blood of the Creek Nation.

Lucy Porter, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q. What is your name? Lucy Porter.
Q. What is your age? A. I will be 30 years old the 10th of next April.
Q. What is your post office address? A. Clearview, Indian Territory.
Q. For whom do you make application for enrollment? A. Myself.
Q. Anyone else? A. No, sir.
Q. For your children, don't you? A. Yes, sir.
Q. What are your children's names? A. Cilla Porter, and Estella Porter.
Q. What is Cilla's age? A. 13 going on 14.
Q. What is Estella's age? A. Going on 11.
Q. What is their father's name? A. Joe Porter.
Q. Is Joe Porter a citizen of any nation? A. No, sir.
Q. Do you make application for the enrollment of yourself and your children as Creeks by blood? A. Yes, sir.
Q. Where were you born? A. I was born in Tennessee.
Q. How long did you live there? A. I was small and do not remember.
Q. Where did you go to? A. We came to Texas after we left Tennessee.
Q. How long have you lived in Texas? A. I think we lived there 19 years.
Q. Have you ever lived in the Creek Nation? A. Not until this year.
Q. How long have you lived here at this time? A. We have been here about a year.
Q. Have you ever been in the Creek Nation prior to that time?
A. No, sir.
Q. Where were your children born? A. In Texas.
Q. Lived there all their lives until they came here recently?
A. Yes, sir.
Q. What is your father's name? A. He goes by Vance Bufford.
Q. Has he any other name? A. No, sir. Nothing but Jackson.
Q. Andrew Jackson? A. Yes, sir.
Q. What is your mother's name? A. Anne Bufford.
Q. Do you make any claim that your mother is a citizen of any Indian tribe? A. Yes, sir, all the white folks say she is.
Q. To what tribe? A. With the Choctaw.
Q. She doesn't claim to be a Creek? A. No, sir.

Q. Do you claim that your father was a Creek Indian? A. Yes, sir.
Q. How much Creek Indian blood do you claim he had? A. I could hardly tell; very near all.
Q. Was your father ever a slave? A. Yes, sir.
Q. Of an Indian or a white man? A. He was a slave under a white man.
Q. Was your mother a slave? A. Yes, sir.
Q. Of an Indian or a white man? A. White man.
Q. Were your father and mother both slaves of white men when they were freed? A. Yes, sir.
Q. Did your father ever draw any money from the Creek Nation? A. No, sir.
Q. Has he ever been in the Creek Nation? A. I do not think he ever has.
Q. Have you ever drawn any money from the Creek Nation? A. No, sir, I never have.
Q. Has either of your children ever drawn any money from the Creek Nation? A. No, sir.
Q. Have you ever been recognized as a citizen of the Creek Nation by any tribal authority? A. Yes, sir; all of them does. All the people over there.
Q. Any Creek authority, I mean? A. He says so.
Q. Who says so? A. I have seen a number but I do not know their names.

THE COMMISSION:

The 1890 and 1895 rolls and the 1891 and 1895 Chester rolls of the Creek Nation examined, and neither the applicant or her children's names are identified on any of said rolls. Omitted

Q. Did you ever make application to the Colbert Commission for the admission of yourself or your children to citizenship in the Creek Nation? A. No, sir.

THE COMMISSION:

The record of the proceedings of the Colbert Commission examined, and does not appear that Lucy Porter ever made application to said Commission for the admission of herself or her children to citizenship in the Creek Nation.

Q. Did you ever make application to the Commission to the Five Civilized Tribes under the Act of June 10, 1896, for the admission of Yourself or your children to citizenship in the Creek Nation? A. No, sir.

THE COMMISSION:

The records of the Commission examined, and it does not appear therefrom that Lucy Porter made application to the Commission for admission to citizenship in the Creek Nation under the Act of June 10, 1896.

Q. Did you ever make application to the United States Court upon an appeal from a decision of the Colbert Commission or the Dawes Commission under the Act of June 10, 1896? A. No, sir.

THE COMMISSION:

[redacted] Court in and for the Southern District of Indian Territory, dismissed, and it does not appear that [redacted] upon an appeal for the admission of [redacted] or either of her children to citizenship in the Creek Nation.

Q. [redacted] Indian blood do you claim? A. I do not know about that, [redacted] quite a half.
Q. You do not claim to be a full blood Creek Indian? A. No, sir.
Q. How much was a negro? A. Yes, sir, a Choctaw negro.
Q. To what Creek Indian band or town do you claim to belong? A. I do not know.
Q. Did you ever make application for the enrollment of yourself or your children as citizens of the Choctaw Nation? A. No, sir.

##########

Mildred S. Cummings, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly reported the above matter and that this is a true and correct transcript of her stenographic notes thereof.

Mildred S. Cummings

Subscribed and sworn to before me this 31st day of May, 1904.

Charles F. Sawyer
Notary Public.

88.3

In. 494.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lucy, Cilla and Estelle Porter as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on May 21, 1904, Lucy Porter appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her two minor children, Cilla and Estelle Porter, as citizens by blood of the Creek Nation.

The evidence shows that none of the applicants are full blood Creek Indians; that they are not identified on any tribal roll of the Creek Nation, in the possession of the Commission; and that they have not been admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, the Creek Tribal Authorities or the United States Court in Indian Territory.

It is the opinion of the Commission that there is no authority of law for the enrollment of said Lucy Porter, Cilla Porter and Estelle Porter, or any of them, as citizens by blood of the Creek Nation, and that the application for their enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

Aug 3 - 1904

8313

No. 494

Muskogee, Indian Territory, August 3, 1901.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lucy, Cilla and Estelle Porter as Creek freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HGH-4-3-8.

No. 494

Muskogee, Indian Territory, August 3, 1906.

Lucy Porter,

Clearview, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and your minor children, Cilla and Estelle Porter, as Creek freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Recorder.

Commissioner in Charge.

RGH-5-3-8.

No. 494.

Muskogee, Indian Territory, August 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Lucy Porter for the enrollment of herself and two minor children, Cilla and Estelle Porter, as Creek freedmen, including the decision of the Commission, dated August 3, 1904, denying said application.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

HOH-6-3-8.

Dec'r (1904.

Washington, October 10, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 3, 1904, transmitting the record of the application for enrollment as citizen by blood of the Creek Nation by Lucy Porter for herself and her two minor children, Cilla and Estelle Porter.

August 3, 1904, the Commission decided adversely to all the applicants.

The record shows that none of the applicants are full blood Creek Indians; that they are not identified on any tribal roll in the possession of the Commisd on, or of this office and that they have not been admitted to citizenship by the Creek nation or the United States.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.M

W.

I.T.D.10180-1904. Washington, October 15, 1904.
L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

August 3, 1904, you transmitted the record in the matter of the application of Lucy Porter for the enrollment of herself and her two minow children, Cilla and Estelle Porter, as Creek freedmen, including your decision of the same date denying said application.

Reporting in the matter October 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirdmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

No. 494.

Muskogee, Indian Territory, October 25, 1904.

M. L. Mott,

Attorney, Creek Nation,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 8, 1904, denying the application of Lucy Porter for the enrollment of herself and her two minor children, Cilla and Estelle Porter, as Creek freedmen.

Respectfully,

Chairman.

[illegible]

[illegible]

[illegible]

Clearview, Indian Territory.

Madam:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying your application for the enrollment of yourself and your two minor children, Cilla and Estelle Porter, as Creek freedmen.

Respectfully,

Chairman.

Registered.

CR EU MS

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T., June 1, 1904.

IN THE MATTER OF THE APPLICATION OF John Morris for the enrollment of himself as a citizen by blood of the Creek Nation.

APPEARANCES: N. A. Gibson, attorney for applicant.

JOHN H. MORRIS, being duly sworn by Chas. N. Sawyer, notary public, testified as follows:

Q What is your name? A John Henry Morris.
Q What is your age? A Was born in 1843.
Q What is your post office address? A My post office is Bend, Texas, Sansaba County.
Q Do you make application for the enrollment of yourself as a citizen by blood of the Creek Nation? A I do sir and for my children.
Q What are the names of your children who are under age? A Nathaniel Morris.
Q What is his age? A 19, he was born 14th day of February, '85.
Q They are all of age excepting him then? A Yes.
Q Have you ever been recognized by the Tribal authority of the Creek Nation as a citizen thereof? A No sir, I never made application before today but have been in and out of the territory ever since '76. The last time I come was about ten years ago; my sisters were here and I thought I would try and get on the roll but I had a spell of the typhoid fever after which I went back to Texas and was never able to make the effort to become enrolled until now.
Q How much Creek Indian blood do you claim? A About an eighth, I guess don't know exactly.
Q At one time you made an attempt then to be recognized by the tribal authority of the Creek Nation but you was taken sick and was not able to make application, is that right? A Yes sir, I was in Okmulgee when the Commission was there ten years ago but was sick and since then have had no money or anything else to carry this on.
Q Are you married? A Yes sir.
Q Does you wife make any claim? A No sir.
Q Have you any sister who have been admitted to citizenship in the Creek Nation? A I have 2 sisters, one is dead now and the other one is with me here now. The one that is dead is Jimmie P. Hughes. Mary E. Terrell is with me now.
Q How do they claim their right to enrollment as citizens of the Creek Nation? A Well, I hardly know but suppose they got it through the Commission.

The records of the Commission show that Mary E. Terrell and Jimmie P. Hughes were admitted to citizenship in the Creek Nation Nation by the Commission to the Five Civilized Tribes under the act of June 10, 1896.

Q Do you remember when they made application to the Commission? A No sir, I don't recollect the time.
Q Have you ever made application of any kind for admission to citizenship in the Creek Nation? A Never had until today.
Q Did you ever draw any money from the Creek Nation? A Never did.
Q You do not claim to be a full blood Creek Indian? A No sir, can't say, don't think I am.
Q Are you a full brother of Jimmie P. Hughes? A I am sir.

The records of the Commission show that Jimmie F. Rogers is listed on Creek Indian Card Field No. 99, Approved Roll No. 215 as full blood Creek Indian; that Mary E. Terrill is regularly listed for enrollment on Creek Indian Card Field No. 139, Approved Roll No. 466 as one-fourth blood Creek Indian.

Q What was your father's name? A Samuel Henry Morris.
Q What was your mother's name? A Margaret, also called Peggy, Morris.
Q Did you ever make application to the Colbert Commission, also known as the Creek Citizenship Commission for admission to citizenship in the Creek Nation? A No sir.

The records of the Creek Citizenship Commission examined and it does not appear that John H. Morris ever made application to said Commission for admission to citizenship in the Creek Nation.

Q Did you ever make application to the Commission to the Five Civilized Tribes for the admission of yourself or your son Nathaniel Morris to citizenship in the Creek Nation under the act of June 10, 1896? A No sir, I never did.

The records of the Commission examined and it does not appear that John H. Morris made application to the Commission to the Five Civilized Tribes for the admission of himself or his son, Nathaniel Morris under the Act of June 10, 1896.

Q Did you ever make application to the United States Court upon an appeal from the decision of the Commission to the Five Civilized Tribes or Creek Citizenship Commission under act of June 10, 1896? A No sir, never did.

The records of the United States Court in and for the Northern District of the Indian Territory examined and it does not appear that John Henry Morris made application to said Court for admission of himself or his son Nathaniel Morris to citizenship in the Creek Nation.

Q Did you ever make application to any tribal court for admission of yourself or your son to citizenship in the Creek Nation? A No sir, never did.

Nona E. Wallar, being sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case June 1, 1904, and that this is a true, full and correct transcript of her stenographic notes in same.

Nona E. Wallar

Subscribed and sworn to before me this 2nd day of June, A.D.1904, at Muskogee, Indian Territory.

Chas. K. Haynes
NOTARY PUBLIC

883

No. 498.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John M. and Nathaniel Morris as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on June 1, 1904, John M. Morris appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his son Nathaniel Morris as citizens by blood of the Creek Nation.

The evidence shows that neither of the applicants are full blood Creek Indians. The tribal rolls of the Creek Nation, in the possession of the Commission, have been examined and neither of the applicants are identified thereon.

It does not appear, from the evidence, that the applicants, or either of them, have ever been admitted to citizenship in the Creek Nation by the tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It is the opinion of the Commission that there is no authority of law for the enrollment of said John M. Morris and Nathaniel Morris as citizens by blood of the Creek Nation, and that the application for their enrollment as such should, therefore, be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

Aug 3-1904

0019

No. 498.

Muskogee, Indian Territory, August 4, 1904.

John K. Morris,

Bend, Texas.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and your son, Nathaniel Morris, as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register

HGH-2-3-99.

8913

Mn. 495.

Muskogee, Indian Territory, August 4, 1904.

W. A. Gibson,

Attorney for John H. Morris, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John H. and Nathaniel Morris as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

HGH-1-4-8.

883

No. 496.

Muskogee, Indian Territory, August 4, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John H. and Nathaniel Morris as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge

NGK-4-4-8.

8815

(COPY) No. 495.

Muskogee, Indian Territory, August 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of John M. Morris for the enrollment of himself and his son, Nathaniel Morris, as citizens by blood of the Creek Nation, including the decision of the Commission, dated August 3, 1904, denying said application.

Respectfully,

(Signed) T.B.Needles

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

MCH-8-4-8.

DEPARTMENT OF THE INTERIOR

Land OFFICE OF INDIAN AFFAIRS

53823-1904. Washington, October 8, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 4, 1904, transmitting the record of the application for enrollment as citizens by blood of the Creek Nation by John H. Morris for himself and his minor son, Nathaniel Morris.

August 3, 1904, the Commission decided adversely to both applicants.

The record shows that neither of the applicants are full blood Creek Indians nor are they identified upon any of the tribal rolls of the Creek Nation. It does not appear from the evidence that the applicants, or either of them, have ever been enrolled or admitted to citizenship by the Creek Nation or by the United States.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner

M.M.M

W.

DEPARTMENT OF THE INTERIOR THE J.F

I.T.D.10134-1904. WASHINGTON

L.R.S.

October 15, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

August 4, 1904, you transmitted the record in the matter of the application of John H. Morris for the enrollment of himself and his minor son, Nathaniel Morris, as citizens by blood of the Creek Nation, including your decision of August 3, 1904, denying said application.

Reporting in the matter October 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos.Ryan

Acting Secretary.

1 inclosure.

No. 498.

Muskogee, Indian Territory, October 18, 1904.

M. L. Mott,

Attorney, Creek Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying the application of John N. Morris, for the enrollment of himself and his minor son, Nathaniel Morris, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 26, 1904.

W. A. Gibson,

Attorney for John N. Morris, et al.,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 3, 1904, denying the application of John N. Morris, for the enrollment of himself and his minor son, Nathaniel Morris, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, October [illegible], 1904.

John M. Morris,

Bond, Texas,

Dear Sir:

You are hereby a vised that the Secretary of the Interior, under date of October 15, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated August 8, 1904, denying your application for the enrollment of yourself and minor son, Nathaniel Morris as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

Registered.

D. M.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cr. Ja. 214.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17 ,1905.

Emma McGirt,

Eufaula, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Louisa Morrison, is contained in the partial list of Creek citizens, approved by the Secretary of the Interior April 6, 1905, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 496

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T., June 1, 1904.

IN THE MATTER OF THE APPLICATION OF Samuel Harjo for the enrollment of himself and [illegible] minor children, Nettie, Delilah, Samuel and Baby and his son, Charley Harjo, deceased, as citizens by blood of the Creek Nation.

SAMUEL HARJO, being duly sworn by Chas. H. Sawyer, notary public, testified as follows:

Q What is your name? A Samuel Harjo, my Indian name is Harjo Harjo.
Q What is your age? A Born June 24, 1863.
Q What is your post office address? A Grayson.
Q For whom do you make application for enrollment? A Myself and children.
Q Do you make application for yourself and children to be enrolled as citizens by blood of the Creek Nation? A Yes sir.
Q What is the name and age of your eldest child? A Nettie, 14 years old.
Q Name and age of next? A Delilah, 12 years.
Q The next? A Samuel, 8 years.
Q The next? A Baby, 6 years old.
Q The next? A Charley, he is dead, was 2 years old when he died, born December, 1899.
Q When did Charley die? A February 28, 1902 of pneumonia fever.
Q Who is the mother of all of these children? A She was a Choctaw citizen named Sallie Lewis.
Q Was she the mother of all these children? A Yes.
Q Is she living? A No sir, she is dead.
Q When did she die? A 4 months ago.
Q Had she been enrolled as a citizen of the Choctaw Nation? A No.
Q Is she a full blood Indian? A No, half breed.
Q Was application ever made for her enrollment as a citizen of the Choctaw Nation? A I don't know, can't tell that.
Q Was application ever made for the enrollment of these children of yours in the Choctaw Nation? A No, they were all born in the Creek Nation, near Grayson.
Q Have you ever made application to the Commission before this time for the enrollment of yourself or any of your children as citizens of the Creek Nation? A No sir, reason why was because under treaty of 1833 thought all of us would get allotment whether we made application or not.
Q Where have you been for the last 3, 4 or 5 years? A Been right here, have not been out of Creek Nation since 1882.
Q Why have you not made application before this time for the enrollment of yourself and children as citizens of the Creek Nation? A Why, because I belong to the Snake gang and always believed we would get our allotment under treaty of 1833.
Q How much Creek Indian blood do you claim? A Full blood Creek Indian, my mother was Indian and my father was Indian and I claim to be full blood.
Q To what Creek Indian Town do you claim to belong? A My father and mother belonged to Oseoche Town.
Q What was the name of your father? A Manuel Harjo, brother of Chitto.
Q Is your father living? A No sir, he is dead.
Q Did he have any other name? A Well some called him Harjo Harjo, or his English name Manuel Jones.

Q Did you ever [illegible] A No sir, should have [illegible] [illegible] but [illegible] sometimes they would [illegible] [illegible]
Q What is your mother's name? A [illegible]
Q Is she living? A No, she is dead.
Q How long has she been dead? A She died in 1898, before my father
Q When did your father die? A In 1900
Q Did you ever live with your mother? A Yes, all the time I took care of her.
Q Did you also live with your father? A Yes, until he was arrested
Q Have they ever been enrolled by the Commission? A I don't know about that. My father was here at the time they were enrolling before he was [illegible].
Q Have you ever drawn any money in the Creek Nation for your children? A My father drew for me, I don't think he ever drew any for my children.
Q Did he give you the money? A Yes he give me the money, you know the father of the children always draws the money, the children never went up and drew it.
Q How many times did he draw for you? A He drew 3 times, $9, $14 and $29.
Q What town did you say your mother belonged to? A At the time she died she was a member of Oscche Town.
Q How long was she a member of that town? A From 1881 to 1898.
Q Have you always lived in the Creek Nation? A All but four years that I went to Hampton school.
Q Where is that? A In Virginia, just below Washington.
Q Do you speak the Creek language? A No, I understand it but can't speak it to converse with anyone.
Q Have you ever gone by any other name except Samuel Harjo and Harjo Harjo? A No sir.
Q You have no other Indian name except Harjo Harjo? A No sir.
Q Did you ever know of a question being raised as to your right of a Creek citizen? A No sir, it has never been raised.
Q Did you ever make application to the Creek Citizenship Commission, commonly known as the Colbert Commission for admission to citizenship in the Creek Nation? A No sir.

The records of the Colbert Commission in the possession of the Commission examined and it does not appear therefrom that application was ever made to said Commission for the admission of Samuel Harjo and his children to citizenship in the Creek Nation.

Q Did you ever make application for the admission of yourself or children to citizenship in the Creek Nation, before the Dawes Commission under Act of June 10, 1896? A No sir.

The records of the Commission examined and it does not appear therefrom that application was made to it for the admission of Samuel Harjo or his children to citizenship in the Creek Nation under Act of June 10, 1896.

Q Did you ever make application to the United States Court on an appeal from the decision of the Commission to the Five Civilized Tribes or Colbert Commission under Act of June 10, 1896? A No sir

The records of the United States Court in and for the Northern District of the Indian Territory examined and it does not appear therefrom that application was ever made to said Court for the admission of Samuel Harjo or children to citizenship in the Creek Nation.

Q Have you ever held any official position in the Snake gang? A Yes, I did that.

Q What position was it? A I was King of a town.
Q Anything else? A I was secretary of the [illegible]
Q Anything else? A No sir, I went with [illegible] council until 1906.
Q Are there any of your children married? A No sir.

O.W. Hill--examined.

Q What is your name? A O.W. Hill.
Q What is your post office address? A Wewoka.
Q What is your age? A About [illegible] old.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Did you ever hold any official position? A Yes, was a member of the house of Warriors.
Q From what town? A Tulsa-Canadian.
Q Were you ever a member of the Osceola Town? A At one time about '91 and 2.
Q Did you hold an official position at that time? A Was Town King.
Q Did you know Samuel Harjo, who now makes application for enrollment as a citizen by blood of the Creek Nation? A Yes sir.
Q You knew him at that time? A Yes sir.
Q Could you identify that person and the one who now makes application as the same person? A Yes sir.
Q Were you Town King at the time of the $20 payment? A No sir, at that time I was a member of the board of Education.
Q During the time you were town King of Osceola Town did you have a roll of the members of that town? A Yes sir.
Q Was the name of Samuel Harjo on that list? A Yes sir, I put it there after he come back from school.
Q What became of that roll? A I turned it over to my successor, Joseph Kelley, as town King of that town.
Q Do you know whether the rights of Samuel Harjo as a citizen of the Creek Nation has ever been questioned? A No sir, I never heard of it.
Q Did you know his mother? A Yes, I knew his mother, Sallie or Susie.
Q Do you know to what town she belonged? A Osceola.
Q Do you know whether she is living? A No sir, she is dead.
Q Do you know of your own knowledge whether she was ever enrolled by the Commission? A No sir, I don't believe she was for she belonged to the Snake Gang and they are all against that.
Q Mr Hill, you have examined the roll of 1890 and 1895 of Osceola Town in possession of the Commission, did you find the name of Samuel Harjo or the names of his children or that of his mother thereon? A No sir.

Samuel Harjo, recalled---

Q Do you know whether your mother ever transferred from Osceola Town? A I do not know.
Q Did you ever make application to be transferred from Osceola Town? A No sir we belonged to that town and are supposed to be on the roll all the way through.

The 1890 authenticated and 1895 pay roll of the Creek Nation, Osceola Town examined and the names of Samuel Harjo and his children in this application are not identified thereon; there is no 1891 or 1895 omitted roll of Osceola Town in the possession of the Commission.

[redacted] is a true and complete transcript of her stenographic notes.

Nancy E. Walker

Sworn to and subscribed before me this 2nd day of June, A. D., 1904, at Muskogee, Indian Territory.

Charles K. Hamner
NOTARY PUBLIC

3194.

In the matter of the application for the enrollment of Lizzie, Yakie and Susanna as Creek citizens.

Sam Richards being duly sworn testified as follows through Anna McIntosh, official interpreter:

Examination by the Commission:

Q State your name, age and post office address? A Sam Richards; about 55; Checotah.
Q Do you know Lizzie, Yakie and Susanna? A They drew what was payment from me; I was a member of the Council in '93 and '94 and these folks was put on the roll before; and after he died and I was elected instead of him they drew the money; and it seems there was lots drew and they traded on this head right and they settled and took his receipt for it; the e three people they never found; they claimed at that time that there was such people and they died that was in 1896.
Q Who is it claimed they were dead? A Susie Jackson and Chowo Jackson.

Henry G. Wains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Wains

Subscribed and sworn to before me this 16 day of July, 1904.

My Commission Expires January 19th 1908.

(Seal)

Wm. G. Martin Jr.
Notary Public.

D: 3196
to be filed in Ck. Enr. 496

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
OKMULGEE, I.T., June 21, 1904.

In the matter of the application for the enrollment of Lizzie, Yake and Susanna as citizens of the Creek Nation. (Cr. I. 3196.)

Sam Logan being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sam Logan.
Q What is your post office address and what is your age? A Brush Mill; about 49.
Q Are you a citizen of the Creek Nation, Arbeka Deep Fork town?
A Yes sir.
Q Have you ever held any official positions in the Creek Nation?
A Yes sir.
Q Name them. A Council member; House of Kings.
Q Have you ever been a member of the House of Warriors? A No sir.
Q You are the present town king, are you not? A Yes sir.
Q Do you know any members of your town by the name of Lizzie, Yake and Susanna? A I got the names on the roll but I never did find out whether they are living or not.
Q Do you know whether there ever were such people? A No sir.
Q You have made attempts to find them, have you? A Yes sir, I have.

Henry C. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Hains

Subscribed and sworn to before me this 1st day of July, 1904.

Seal

Oliver C. Hinkle.
Notary Public.

DEPARTMENT OF THE INTERIOR, [illegible],
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 12, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for enrollment of Samuel Marje et al., as citizens by blood of the [illegible] Nation.

THOMAS FRANK, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Thomas Frank.
Q What is your age? A About forty.
Q What is your post office address? A Weer.
Q Are you the Town King of Ceeche Town? A Yes, sir.
Q Do you know a man named Samuel Marje? A No, sir.
Q Do you know Chitto Marje? A Only by reputation.
Q What town does Chitto belong to? A I don't know.
Q Did you ever have a member of your town by the name of Samuel Marje? A No, sir.
Q Did you ever have, to your knowledge, a member of your town by the name of Hallie Jones? A No, sir.
Q Did you ever have any one by the name of Hallie Marje? A No, sir.
Q How long have you been a town officer? A A long time. Probably twenty-five years.
Q Are you well acquainted with the members of your town? A Yes, sir.

---oooOOOooo---

I, H. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

H C Skaggs

Subscribed and swurn to before me this 4th day of December 1904.

Chas. N. Haskell
Notary Public.

[redacted]
[redacted]
Okmulgee I. T., October 12, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Samuel Harjo et al., as citizens by blood of the Creek Nation.

TOBE TIGER, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Tobe Tiger.
Q How old are you? A About fifty.
Q What is your post office address? A Okmulgee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Samuel Harjo? A Yes, sir.
Q Where does he live? A Wildcat.
Q They have changed that post office to Grayson? A Yes, sir.
Q How long have you known Samuel Harjo? A Known him before the war.
Q Have you know him all the time since the War? A I knew him before the War and he was sent off to school during the War and came back after the War and I know him ever since.
Q This man says that he was born during the War? A I knew him very well.
Q What Creek Town does he belong to? A Arbeka. His mother was originally an Eufaula.
Q What was his mother's name? A Mahaley.
Q This Samuel Harjo here says his mother was named Sallie? A That is the way I understand it.
Q Did you know his mother? A Yes, sir.
Q What is the name of Samuel Harjo's father? A He was a brother of Crazy Snake. Belong to Arbeka Town.
Q What was his name? (Presents Commission a piece of paper)

The witness presents a piece of paper with some names written on it.

Q Who wrote those names on here? A Samuel Harjo.
Q Who did he tell you these names referred to? A His children.
Q These are not the names of the children he gave to the Commission? A He gave me that paper and said they were his children.
Q Did you know Samuel Harjo's father? A I didn't know his father. He told me his father was Samuel Alec Harjo.
Q Do you know whether any money was ever drawn for Samuel Harjo from the Creek Nation? A Yes, sir.
Q Do you know that money was drawn for him? A Yes, sir.
Q Who told you so? A I know myself.
Q Did you ship the money paid to him? A No, sir, but I know that he received money.
Q How do you know it? A His wife drew money.
Q How do you know he drew money if you didn't see it paid to him? A I don't know how to answer that question.
Q Did you say Samuel Harjo's wife drew money to? A Yes, sir.
Q What is his wife's name? No response.
Q Samuel Harjo says his wife is named Sallie and she is a Choctaw? No response.
Q How far do you live from him? A About three miles.
Q Is this man his to Crazy Snake? A Son of his brother.

Q How do you know his father was Chitto's brother if you don't know Sam's father? A That was what Sam told me.
Q Who this man ever called anything else except Sam? A I don't know.

ALEX POSEY, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Alex Posey.
Q How old are you? A Thirty.
Q What is your post office address? A Muskogee.
Q You are the Official Interpreter for the Dawes Commission? A Yes, sir.

The principal applicant herein states in his testimony that his father was a brother of Chitto Harjo, sometimes known as Crazy Snake, and, owing to the difficulty known to exhist in securing the testimony of Chitto Harjo, in this case Mr. Posey, the Official Interpreter for the Commission, was requested to interview him in regard to this matter and obtain such information as he could.

Q Now Mr. Posey I will ask you to state what conversation you had with Chitto Harjo? A I had a conversation with him Wednesday and he states positively that he never had a brother named Samuel Harjo and that he was not the uncle of any such person as Samuel Harjo. He further stated that if any such person had made application to the Commission for enrollment as a citizen of the Creek Nation, it was a fraud.

------:O:------

I Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4th day of November 1904.

Charles N. Sawyer
Notary Public

[redacted] No. 440.

[redacted] OF THE [redacted]

Okmulgee, I. T., October 27, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for enrollment of Samuel Marjo et al., as citizens by blood of the Creek Nation.

WILSON JONES, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Wilson Jones.
Q Were you ever called by any other name? A Chitto Marjo is my Indian name. (The witness is the notorius Crazy Snake, leader of the Snake Faction)
Q How old are you? A About fifty.
Q What is your post office address? A Barney.
Q Did you ever have a brother named Samuel Marjo? A No, sir.
Q Did you ever have a brother whose name was Samuel Jones? A No, sir.
Q A man who gave his name as Samuel Marjo has made application to be enrolled as a citizen of the Creek Nation and he states that his father was named Samuel Marjo or Jones and that his father was your brother? A I never had a brother by the name of Samuel Marjo and I do not know the applicant. This is the first time that I have ever heard the name.
Q You never had a nephew named Samuel Marjo or Samuel Jones, as I understand you? A No, sir.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Nov. 1904.

Charles F. Sawyer
Notary Public.

No. 496

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Samuel Berry et al., as citizens by blood of the Creek Nation.

-; SUPPLEMENTAL STATEMENT ;-

Tribal Rolls of the Creek Nation in the possession of the Commission examined and the names of none of the applicants herein found on any of said rolls.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman

Muskogee, Indian Territory
November 18, 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory.
January 21, 1906.

In the matter of the application for the enrollment of Samuel Harjo, et al., as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Mott Attorney for Creek Nation;
E. Hastain Attorney for applicant.

JOHN PERRYMAN, being duly sworn, testified as follows:

By Commission:

Q What is your name? A John Perryman.
Q How old are you? A About fifty-eight.
Q What is your post office address? A Henryetta.
Q Do you know one Samuel Harjo? A Yes, sir.
Q Do you know him under any other name? A No, sir.
Q Where does he live? A He is postmaster at Wildcat.
Q How long have you known this man, Samuel Harjo? A I knew him before the war.

EXAMINED BY E. HASTAIN:

Q To what town in the Creek Nation do you belong? A To Hitchite Tribe.
Q Have you received your allotment of land in the Creek Nation? A Yes, sir.
Q Do you know whether or not Samuel Harjo has been recognized as a citizen of the Creek Nation? A Yes, as far as I know Samuel Harjo stayed with his own people in this country.
Q Do you know whether he drew the first payment or not? A I was at Okmulgee when he drew a payment and his town King was Watkol Harjo and there was another named Johny Partakey.
Q Was Samuel Harjo there at the time you was? A Yes.
Q Was that a fourteen dollar payment or a twenty-nine dollar payment? A I did not see him the second payment.
Q Do you know who was making the payments at that time? A I do not.
Q Do you know who his father is? A Ahalok Harjo.
Q Do you know his mother's name? A Mahala Harjo.
Q Were they Creeks? A Yes, both were Creeks.
Q What town did his father belong to? A Ahalok's was Arbeka and Mahala's was Osoohee.
Q Are they living? A Both dead.
Q When did they die? A Do not know exactly when.
Q Do you know about how long it has been? A Man dead about five or ten years. I lived away off from them.
Q How long has Mahala been dead? A Woman died before the old man.

By Commission:

Q What did you say Samuel Harjo's father's name was? A Ahalok Harjo.
Q What town did he belong to? A Arbeka.
Q And what was his mother's name? A Mahala.
Q Mahala what? A Mahala Harjo.
Q Did those two have any other children besides Samuel? A Had two, I believe.

Q What was the names of the other two children? A Snake or Jake and Nellie.
Q Are those children living? A Both dead.
Q How long has Jake or Jake been dead? A Do not know. I lived away off.
Q Is this man Ahalek any relation to Chitta Harjo?A There are several hundred Harjos in the Creek Nation.
Q Was Ahalek Harjo ever known by any other name? A Not as I know.
Q Was never known as Samuel? A Not as I know of.
Q Was Ahalek Harjo ever known as Harjo Harjo? A That was Samuel Harjo's Creek name.
Q Do you know whether this man, Samuel Harjo, ever drew any money from the Creek Nation? A I never saw him draw any but he said he was going to draw it on that day.
Q You know nothing about him drawing money except what he told you? A That is all.
Q What town did his mother belong to?A Osechee.
Q How do you know that? A I knew that he lived at Osechee town always.
Q Do you know Samuel Harjo's children? A Do not know his children.
Q Do you know the name of his wife, mother of those children? A She is dead.
Q Do you know whether she was a citizen of the Creek Nation or not? A I do not.
Q Do you know Chitta Harjo, sometimes called Crazy Snake? A Yes.
Q Do you know his father? A Yes, sir. Harlo Harjo.
Q Is his father Harlo Harjo related to Ahalek Harjo that you say is Samuel Harjo's father? A It is another Harlo Harjo.
Q Is Chitta Harjo's father a brother, or cousin or any relation to Ahalek Harjo that you way is Samuel Harjo's father? A Do not know whether they are any relation or not.
Q Do you know positively whether they are brother or not? A They are not.
Q Is Samuel Harjo's father a brother of Chitta Harjo? A No, sir.

EXAMINED BY M. L. MOTT:

Q How many payments did Samuel say he received? A About two, I think.
Q Were you with him when he drew it? A I was with my town people the first payment.
Q Did he draw it? A I saw him in town. The town King and a member of the House of Lawyers was there.
Q Did you draw yours? A Yes, sir.
Q Yourself? A Yes.
Q What was the custom when a man was present; did he draw his own money; was that the rule? A Yes, every man drew his own money.
Q How many times did you see him at Okmulgee? A I did not see him when he drew the second payment.
Q Did you draw any money the second payment? A Yes, sir.
Q Who gave you your money? A The Town King called me in and gave me my money and I walked off.
Q How old were you then? A I don't know.
Q Were you grown? A Yes, I was a grown man at that time.
Q Was your father living at that time? A My father had been dead a good while.
Q Was he living at the time of the first payment? A No he was dead.
Q How old a man is Samuel Harjo? A Can't tell.
Q Is he as old as you are? A I am a little older than him.
Q Was he a grown man at the time you drew your money? A He was a young man and I was older than him.

J. Perryman--3.

Q How much older are you than Samuel Marie do you suppose? A I don't know.
Q [illegible] older? A May be. Don't know.
Q [illegible] first payment under that you drew? A Do not know.
Q About fourteen years ago? A Do not know.
Q Is Samuel Marie about forty years old now? A I do not know.
Q Are you twenty years older than Samuel Marie? A May be. I do not know. I know I am over forty.
Q Do you know how old Samuel is? A Do not know. I knew Samuel before the war.
Q You know that you knew him before the war? A Yes, sir.

By Commission:
Q Have you ever belonged to the faction known as the Snake Gang? A Yes, sir.
Q Did Samuel Marie ever belong to it? A Yes, sir.
Q Did he ever hold any office? A No.

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I, Zora Ellen Parrish, on oath, as stenographer to the Commissioner to the Five Civilized Tribes, state that the foregoing is a true and correct transcript of my stenographic notes as taken in said cause.

Zora Ellen Parrish

Subscribed and sworn to before me this 23 day of January, 1906.

Edwin Stiesel
Notary Public.

Creek Mn 496.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 13, 1906.

In the matter of the application for the enrollment of Samuel Harjo, et al., as Creek citizens.

(The office of the Creek Attorney was communicated with by 'phone and the Commission was advised that the Creek Attorney was not in).

Samuel Harjo, being first duly sworn, testifies as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A My name in Creek is Simon Harjo.
Q Are you the same person that appeared here on the first of June, 1904, and made application for enrollment as a citizen by blood of the Creek Nation? A Yes sir.
Q When you were here on the first of June, you gave in your name as Samuel Harjo. A Simon.
Q Simon--is that the correct name? A Yes sir.
Q How old are you? A Born June 24, 1863; 42 years old on the 24th day of June.
Q Were you ever known by any other name? A Yes sir.
Q What was the name? A Smith--S. J.
Q S. J. Smith? A Yes, known by both names.
Q Were you ever-known- called Jones? A No sir. Only Simon Harjo and S. J. Smith.
Q What i your father's name? A English name is Manuel Jones; Creek name is Harlicki Harjo.
Q When you appeared here on the first of June you stated that your name was Manuel Harjo? A Yes sir.
Q And was sometimes called Manuel Jones? A Yes sir.
Q And you told that his Creek name was Harjo Harjo? A Yes sir.
Q You say that Manuel Harjo and Harjo Harjo is the same person and that you are now called Harjo? A Yes sir.
Q What is the name of your mother? A Susie Sallie Malhaley. The last name was Malhaley; she dropped the first two names and called Malhaley Harjo.
Q What town did your father belong to? A Arbeka Deep Fork.
Q What town do you claim your mother belong? A She was formerly Coochee but was transferred to Arbeka Deep Fork.
Q Did your father belong to Coochee Town? A No sir.
Q When you were here on the first of June, you said your father and mother belonged to Coochee Town? A No sir; I thought I said he always belonged to Arbeka Deep Fork.
Q Had your father any brothers and sisters that you know of? A Not that I know of except that I always thought that he was brother of Titcho Harjo. There were several Harlick Harjo.

Q When you were here in June, you never said anything at all about Harlick Harjo? A I did,sir.
Q Did your father and mother belong to any other town than Oscehee Town or Arbeka Deep Forth? A No, sir; I don't think so.
Q Did you draw the $29 payment? A No sir.
Q Did anyone drew it for you? A My father drew it.
Q In what town? A In Arbeka Deep Fork.
Q Did he draw for himself at that time? A Yes sir.
Q Did you draw the $14.40? A Yes sir. I drew it myself.
Q In what town and under what name did you draw it? A Simon Harjo; Sam Haynes paid it to me.
Q In your testimony of June 1, 1904, there is the following:
"Q Do you know whether your mother ever transferred from Oscehe Town? A I do not know.
Q Did you ever make application to be transferred from Oscehe Town? A No sir; we belonged to that town and are supposed to be on the roll all the way through."
A That's a mistake; I didn't say that.
Q When you were here on the first of June you appeared with a witness named G. W. Hill? A Yes, sir; he knew me well. He was the Town king of that town at that time.
Q He was the Town King of Oscehee Town? A Yes sir.
Q He testified that you were a member of Oscehee Town? A No, sir; he said my mother was.
Q Question was asked G. W. Hill: "During the time you were Town King of Oscehee Town did you have a roll of members of that town?" "A Yes sir." "Q Was the name of Samuel Harjo on that list?" "A Yes sir; I put it there after he came back from school."
A That was my mother.
Q You were on the Oscehee Roll? A My mother was on the Oscehee roll; when she married she lived between two rivers, six miles from Wetumka, and she was transferred.

The 1895 Pay-Roll of the Creek Nation of Arbeka Deep Fork Town examined and the name of Mahaley or Mahaley Harjo not found thereon; nor is the name of Samuel Harjo or Simon Harjo found on said Roll.

Q Were you ever known by any other name than Simon Harjo or Samuel Harjo? A No sir.
Q On the rolls? A No sir.
Q Never called by the name of ... J. Smith? A No sir. That was given to me at school.
Q Did you have any brothers and sisters. A Lellie and Jooko
Q And what other? A Lovina; the present wife of ----
Q At the time of the 1895 payment, did they belong to the same town that you belonged to? A Yes sir.
Q Arbeka Deep Fork Town? A Yes sir.
Q Did they ever belong to any other town? A Yes, she is my half sister.
Q Did she ever belong to any other town? A No sir.

The 1895 omitted Roll examined and the name of Mahaley or Mahaley Harjo not found thereon; nor is the name of Samuel Harjo or Simon Harjo found on said Roll.

Q Did you ever hear in what town the 1895 payment was drawn for you--the $29 payment? A I understand it was in Arbeka Deep Fork Town. My father drew it.

Q How long ago do you think it was that you were transferred?
A After my mother married; she lived there; she was on that Roll; she lived near Wagoner. Her father's name was Samuel Kennedy.
Q As I understand it, she was a member of Arbeka Deep Fork Town at the time you were born? A Yes sir.
Q If she was ever a member of Coochee Town, it was before you were born? You never a member of Coochee Town? A No sir.
Q Who is the mother of Jack? A His mother was named Martha Normal. She is dead.
Q What town did she belong to? A Arbeka North Fork.
Q What town did Jack belong to? A He came with my father, Arbeka Deep Fork.
Q Do you know of Jack ever belonging to any other town than Arbeka Deep Fork? A No sir; he died the same year she did.
Q When did he die? A In 1900.
Q Is your sister Lovina Living? A Yes, about 3/4 of a mile from Grayson.
Q What is her name now? A Louvina Gray; her former name was Louvina Harjo.
Q Are there any other statements you want to make now?
A Nothing. I can prove the authenticity of what I said. I can get unimpeachable witnesses.
Q Is Louvina the only member of your family that is now living?
A Yes, that's my immediate family; I've got cousins.
Q Did you ever know or know other citizens persons, Creek citizens--by the name of Harlock or Harlock Harjo besides your father?
A There are several, three or four hundred; they are different Harlock Harjos.
Q Is it a very common name in the Creek Nation? A Yes sir. It is used among those Snake Indians.
Q Are you positive that your father belonged to Arbeka Deep Fork.
A I am positive that's the town he always belonged to.
Q If you ever drew any money in the Creek Nation, it was in Arbeka Deep Fork Town? A Yes sir.
Q If your father drew any money it was from Arbeka Deep Fork Town? A Yes sir. Arbeka's large town. They made four small towns out of Arbeka proper. That was done in 1895.
Q What were the names of the four small towns? A Arbeka Deep Fork; Eufaula; Arbeka North Fork and Arbeka Hillabee.
Q Was your father ever known by any other name than Harlock Harjo in the four towns? A No sir, except what I said now.
Q Was he ever called Pinkey? A No sir.
Q Are Pinkey and Pin Harjo different persons? A No sir.
Q Did you ever know a person named Jack Pinkey(?) ? A Yes sir;
Q Who is he? A He is dead.
Q Do you know his father? A His father was Pin Harjo--I maybe wrong.
Q Was his father called Harlock Harjo? A Yes sir.
Q Was Jack Pinkey ever called Jockey? A Yes sir.

The records of the Commission show that the names of Harlock Harjo and Jockey Harjo are listed for enrollment on Creek Indian Card/ Field No. 1426, and that their names are contained in a partial list of Creek citizens by blood, approved by the Secretary of the Interior March 15, 1905, Roll Nos. 3303 and 3304, respectively. It further appears from said card that the name of said Harlock Harjo appears on the 1890 Authenticated Roll of

the Creek Nation as Jackey and that the name of said Jackey Marjo appears on said Roll as Jack Pinkey. It further appearing from said card that Marlock Marjo and Jackey Marjo are members of Muscogee Town.

Q You say you know Lin Marjo? A Yes sir.
Q Do you know what town he belongs to? A He belonged to--I don't know; I don't say.
Q Did you ever know another person called Pinkey Marjo? A I knew several Marjos.
Q You know Lin Marjo? A Yes sir.
Q Do you know another person whose name is Pinkey Marjo? A Yes sir.
Q Is he the father of Jack Pinkey? A I think it was. There's two Marlock Marjos; they lived in the same town. They are two different men; one is my father and one the father of Pitcho Marjo. My father when he died he was 65 years old.
Q Was Jacko Marjo's father or Jack Pinkey's father? A Jackey Marjo is my father's son by another woman.
Q Do you know Jack Pinkey? A I know him---
Q Was he ever called Jack Marjo? A If he was I don't know it---
Q What degree of Indian blood did Marlock Marjo have? A Passed for a full blood.
Q Jack Marjo--what degree of Indian blood did he have? A He was full; his mother was a full-blood Indian woman.
Q Do you claim to be full-blood? A I do, the same as John Perryman. What they term a full-blood Indian. If they have one-eighth blood, they consider that.
Q Are you a full-blood Indian or are you part white blood and colored? A No; I have no colored blood or white blood. My mother was an Indian woman; my father was Indian. Her mother and my father was Indian. If there is any Negro blood, it is the first time said; I mean that.
Q When did your mother, Mahala, die? A In 1896, about two months after the payment. The payment was in January, 1895. She died the following Spring. My father died in October, 1900.
Q Were you living with your father at the time he died? A Yes sir.
Q Had he been enrolled by the Commission at that time? A I don't know. I can't tell that. He might have been; he might have attended and enrolled since. There is useless. There is another taken by every Snake Indian never to appear before the Enrolling Office, and when you get one you act to take upon order from court, or some way.
Q Do you know whether he got his land or not? A I can't say; I could not say because I can't.
Q How old was your brother Jacko when he died? A He was about 25.
Q Did your father, when he died, leave any property? A Yes sir.
Q Any land? A I don't know about land. He was living on land. His home place is down here between two rivers, and he claimed he had that land in his possession.
Q Has his estate been administered on by the court? A I don't think. It may have been; I can't say.
Q If your father had any land, it has never been divided up among his heirs? A No sir; if it has, I don't know.
Q You didn't get any? A No sir, I know.

Q Did you have charge of your father's papers at the time of his death? A No sir.
Q Did you have an administrator appointed? A I don't know.
Q Do you know who did have charge of the papers? A No sir.
Q Do you know whether the land(?) he held was from the Dawes Commission or from the Chief? A No, sir, I don't know.--I never knew--
Q On January 11, 1905, the Commissionreceived a letter from Phillips & Bonarth,who represented themselves as your attorneys, in which they state that you told them that your father's name was Harlick Harjo and that his name appears on the rolls of Arbeka Deep Fork Town, and he thinks on Card No. 8383 of the enrollment? A I said I thought it.
Q What made you think it was 8383? A I don't know. I thought it was placed on that card. I heard my folks say so, what they said of the card and of the roll too.
Q You know, don't you,that these cards are made by the Commission, that they are made by it from their records? A I don't know that.
Q When youspoke of the card, what did you mean by that? A I mean those books there.
Q You know these books are the tribal rolls? A Yes sir.
Q And that the cards are the records of this Commission? A Well, I don't know that did not know what,they were.
Q How did you get that number 8383 in your head? A Because it was on the roll in that book; that was the number I supposed they did have. I heard him say it was the number. I did not see the cards, nor the books there.
Q What did you say was your mother's name? A Sallie Susie Mahaley, and when she married my father she dropped Susie Sallie for her name Mahaley.
Q If she's enrolled on the tribal rolls it is under the name of Mahala Harjo? A Yes sir.
Q Phillips & Bonarth state in that letter: "He says that he will have witnesses at that time who will identify him as Simon Harjo, and if given access to the rolls he will point out his name"--do you think you can do that? A I said I could get witnesses to prove.
Q Did you say that if given access to the rolls, you could point out (your name)? A I did not say that. I could not see well enough to point out names. If it is on the roll no , I could find it.
Q Do you want to see the roll?

The 1890 Authenticated Tribal Roll of Arbeka Deep Fork Town handed witness for his inspection. Witness examined said Roll and declares he did not see the name on there.

The 1895 May Roll of said Town handed witness for his inspection. Witness examined said Roll and declares he did not see the name on there.

The 1896 Omitted Roll of said Town handed witness for his inspection. Witness examined said Roll and declares he did not see the name on there.

The 1891 Omitted Roll of said Town handed witness for his inspection. Witness examined said Roll and declares he did not see the name on there.

Samuel Marjo, et al.,-------.

Q Have you anything else you think of now? A I don't know, sir. Is it necessary for me to bring in witnesses proof? A You have had a chance to.

THE COMMISSION: We will give you a stated time to bring in witnesses.

At the request of the applicant he is allowed forty days to introduce witnesses in this case.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

J. Y. Miller

Subscribed and sworn to before me this 15th day of February, 1905.

Edw. C. Strieb

Notary Public.

No. 496.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY,
February 21, 1903.

In the matter of the application for the enrollment of Samuel Harjo, et al. , as citizens by blood of the Creek Nation.

The office of the Creek Attorney was communicated with, by telephone, and the Commission informed that Creek Attorney was not in.

DAVID MERRYHILL, being duly sworn, testified:

Q What is your name? A David Merryhill.
Q How old are you? A Fifty-seven.
Q What is your postoffice address? A Okmulgee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q How long have you lived in Indian Territory? A I was born and raised here.
Q Have you ever held any official position in the Creek Nation? A Yes, sir. Superintendent of Manual Labor School.
Q Anything else? A Prosecuting Attorney; that is about all.
Q Have you ever been Town King or a member of the House of Warriors? A No, sir.
Q How much Indian blood have you? A I can't tell.
Q Are you a full blood.? A No. I have a little Scotch Irish in me.
Q Do you know Samuel Harjo? A Yes, sir.
Q Where does he live? A At Wildcat or Grayson.
Q Is he the present post-master there? A Yes, sir.
Q Have you ever know him by any other name than Samuel Harjo? A Yes, sir, know him by name of Sam Harjo.
Q Any other name? A No, sir.
Q Did you ever know him by the name of S. J. Smith? A Yes, sir.
Q All the names that you know him by them were Samuel Harjo, Sam Harjo and S. J. Smith? A Yes, sir----Simon Harjo.
Q I will just have you state what you know about his right to enrollment? A His father, whose name was Harlick Harjo, belonged to what we call Town of Arbeka, and he was an old man when he died. I do not know how long since he died, but somewhere along in 1900.
Q Did you ever know his father, Harlick Harjo, by any other name? A No, sir.
Q Did you ever know him to belong to any other town?A No, sir.
Q Where did he die -in 1900? A He died somewhere South-east of Henryetta on North Canadian.
Q Do you know anybody that was present when he died? I do not.
Q You just heard of it? A Yes, sir.
Q You may just continue and state anything else that you may know in regard to his right to enrollment as a citizen of the Creek Nation? A There was a woman by the name of Mahaley---she was first a member of Coochee Town, then was transferred to Arbeka Town---that was done at the time Harlick took Mahaley for a wife.

Q What year was that? I don't remember.
Q About how many years ago? A I cannot state.
Q Was that before the birth of Samuel? A Yes, sir.
Q Then you claim that that was done at least forty years ago?
A Yes, sir, it must have been.
Q Do you know whether this man, Samuel Harjo, ever drew any money from the Creek Nation? A I do not personally.
Q Do you know whether he was ever recognized by the Tribal Authorities as a citizen of the Creek Nation? A I think he was. He was allowed to go to the Creek Indian School free; he went to Wolestka Mission several years ago.
Q But you do not know whether he was ever recognized by the Creek Tribal Authorities of the Creek Nation? A I do not know personally.
Q Or that he ever drew any money from the Creek Nation? A No. Just heard that he drawed the $14. 00 payment that the Creeks drew.
Q You did not hear in what town he drew it?A I heard it was in Arbeka Town.
Q This Harliek Harjo, whom you say was the father of Samuel Harjo, and whom you say was amember of Arbeka Town, and whom you state died about 1900----do you know whether he was ever enrolled by the Tribal Authorities of the Creek Nation? A No, sir.
Q Do you know whether this Harliek Harjo was ever enrolled on any Pay Roll or not? A Yes, sir; he was.

The witness was handed the Pay Roll, the 1890, the 1891 Omitted, 1895 and 1898 Omitted Rolls of Arbeka, Arbeka Deep Fork and Arbeka North Fork Town.

Witness says Tulladega Town sometimes known as Arbeka North Fork Town.

The witness after being handed the Tribal Rolls of said Towns and examining same declares he does not find the name of Samuel, Sam or Simon Harjo thereon.

Q Do you know Lizzie? A Lizzie?
Q Yes--a member of Arbeka Town? A No, sir.
Q Do you know Mittah, a member of that Town? A No, sir.
Q Do you know Tahka, a member of that Town? A No, I do not know.
Q Do you know Yihkey, a member of that Town? A No, sir, I do not.
Q Do you know Nancy, a member of that Town? A Yes.
Q Who was she?A I do not know of her relatives.
Q What other name has she? A They used to call her Peters---
Nancy Peters.
Q Is she any relation to t is applicant, Samuel Harjo? A I do not know that she is.
Q Do you know whether she is enrolled by the Commission? A No, sir.
Q Do you know a member of that Town named Thomas? A No, I do not.
Q Do you know a member of that Town named Sampson? A Yes.
Q Who is Thomas? A I don't know.
Q Do you know him by any other name? A No, sir.
Q Do you know Susannah, a member of that Town? A No, sir I do not.

The 1890 Authenticated Roll of the Creek Nation, Deep Fork Arbeka Town, examined and the following names appear opposite numbers given:

No. 456.....56.

[redacted]

(These are the only names that appear together in one group

Field No. 4, Mahaley, is the only Mahaley found on the 1896 Arbuckle Deep Fork Town.

Q Is there anything else that you can think of to say in this case? A I do not know.
Q Is there any other statement you would like to make--- any question you would like to ask? A I have no more.

I, Nora Ellen Parrish, as stenographer for the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause.

Nora Ellen Parrish

Subscribed and sworn to before me this 21st day of February 1908.

Edw. P. Gruenel
Notary Public.

No. 496. DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Brush Hill, I. T., September 14, 1906.

In the matter of the application for the enrollment of Samuel Harjo et al. as citizens by blood of the Creek Nation.

SAMUEL LOGAN, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Samuel Logan.
Q How old are you? A About fifty.
Q What is your post office address? A Brush Hill.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeka Deep Fork.
Q What official position do you hold in the Creek Nation? A I am Town King.
Q Do you know a member of your town named Ahalok or HarlishiHarjo? A No, sir.
Q Was there ever such a person as Ahalok Harjo who was a member of your town? A No, sir.
Q Do you know a member of your town named Mahaly? A Yes, sir, I think there was a member of that name but I think they was living in the Cherokee Nation somewhere.
Q Did she ever live in the Creek Nation? A No, sir.
Q Has she any children living in the Creek Nation? A No, sir.
Q Do you know a member of your town named Simon or Samuel Harjo? A No, sir.
Q Did you ever hear of such a member of your town? A No, sir. I made inquiry among the oldest members of the Town and failed to identify such a person, but a man by that name wrote to me to meet him at Grayson post office, that he wanted to see me about some particular business but he didn't say what and I never did go.
Q Did he claim in that letter to be a member of your town? A No, sir.
Q What else did he state in that letter? A He said he would pay my expenses. That it would not cost me anything to come down there, and afterwards Ben Draper, at Okeetah, told me he knew a man who called himself that name and that he wanted me to assist him to enroll.
Q Did Draper state whether or not Simon Harjo would compensate you for such services? A Yes, sir. He said if I would go down there, there would be some money in it.
Q Did you answer his letter? A No, sir.
Q You have never seen the man? A No, sir.
Q How long have you been Town Officer for Arbeka Deep Fork Town? A Five years.
Q You are well acquainted in your town then, are you? A Yes, sir.
Q Are you positive that there is no such member of Arbeka Deep Fork Town as Simon or Samuel Harjo? A Yes, sir.
Q The only Mahaly that you knew who is a member of your town lived or lives in the Cherokee Nation? A Yes, sir. I am not sure but it seems to me that Bennie Draper said it was $300.00 he would give me if I would help him to enroll.
Q When did you receive the letter you referred to from Samuel Harjo? A Sometime this summer, I don't remember just when.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 6 day of Sept 1906.

Notary Public.

No. 496.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Purcell, I. T., September 15, 1906.

In the matter of the application for the enrollment of Samuel Harjo et al., as citizens by blood of the Creek Nation.

MARCH THOMPSON, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A March Thompson.
Q How old are you? A About sixty-one.
Q What is your post office address? A Purcell.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tulwa-thlocco.
Q Do you know Samuel Harjo? A No, sir.
Q Did you know Ahaiok Harjo who was a member of Arbeka Deep Fork Town? A I know Ahaiok Harjo, who was a member of Weogufke Town, and the father of Ghitto Harjo.
Q Did he have any other children? A He had a son but the name of Tipney and another named Samoche and three daughters, Miley, Lizzie and Pereinda. All of these children belong to the Arbeka Deep Fork Town.
Q How many of them are living? A All are dead except Miley and Ghitto Harjo (or Wilson Jones). Samoche and Tipney died before the opening of the Creek Land Office.
Q What is the name of the mother of these children? A Fannie.
Q Did Ahaiok Harjo have any other wife? A He had two children by Nothlehiye.
Q To what town did Nothlehiye belong? A Tukpafka.
Q What were the names of these two children? A Temescche and Getcha Lasta, whose proper name is Maxey.
Q Did Ahaiok Harjo have any other children? A No, sir.
Q Did you ever know a woman who belonged to Arbeka Deep Fork Town named Mahala? A No, sir.
Q You never knew any such person as Ahaiok Harjo who belonged to Arbeka Deep Fork Town? A No, sir.
Q Did you ever know a woman named Mahala who was a member of Osoche Town? A No, sir.
Q Are you weal acquainted with the members of both Arbeka Deep Fork Town and Osoche Town? A Yes, sir. Osoche Town is composed of very few members. Arbeka Deep Fork is a much larger town.
Q Did you ever know a member of Arbeka Deep Fork Town named Manuel Jones? A No, sir, I never heard the name. I only know one Jones and that is Wilson Jones. I have known him from boyhood and he has no relative named Manuel Jones or Samuel Harjo.
Q Was Ahaiok Harjo a full blood Indian? A Yes, sir, both he and his wife were full-bloods.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 22d day of Sept, 1906.

Notary Public

No. 496.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Stidham, I. T., September 28, 1906.

In the matter of the application for the enrollment of Samuel Harjo et al. as citizens by blood of the Creek Nation.

ROLEY McINTOSH, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Roley McIntosh.
Q How old are you? A Sixty-four.
Q What is your post office address? A Stidham.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arbeka Tullahassa. I was reared by the Town Square.
Q Do you hold any official position as member of your town? A I was Town King under Porter's first administration, and have been Speaker of both houses of the Council.
Q Have you held any other official position in the Creek Nation? A I have served as Second Chief, District Judge, National Attorney, Delegate to Washington and various other positions. I have been a public servant all my life.
Q Is Arbeka Deep Fork Town a sub-division of Arbeka Tullahassa Town? A Yes, sir. Arbeka Tullahassa is the proper town and Arbeka Deep Fork and Arbeka North Fork are sub-divisions. At one time the three towns held their councils and annual festivities at one fire.
Q You are well acquainted, are you not, with the members of the three towns? A Yes, sir, especially among the older members.
Q Do you know a member of Arbeka Deep Fork town named Samuel Harjo? A So far as I know there has never been a member of that town by that name.
Q Did you know a member of that town named Ahalek or Harlicki Harjo? A No, sir. If there ever was such a member of Arbeka Deep Fork Town I would have known it.
Q Did you ever know a member of that town named Mahala Harjo? Who it is claimed was transferred from the Osceola Town? A I never knew a member of that town named Mahala and there was never a member of Osceola Town transferred to Arbeka Deep Fork Town.
Q Do you know Chitto Harjo or Wilson Jones? A Yes, sir, we grew up together and are about the same age.
Q Do you know who is parents were? A Ahalek Harjo of Weogufka town was his father. I do not know his mother's name but I knew her by sight.
Q To what town did she belong? A Arbeka Deep Fork Town. Her name was either Jennie or Nancy.
Q Has Chitto Harjo any brothers living or dead? A He has two brothers who are dead.
Q What were their names? A One was named Cussehta Harjo--Stepney was his English name. I have forgotten the name of his other brother, who died shortly after the Civil War.
Q Were either of these two brothers known as Manuel Harjo or Manuel Jones? A No, sir.
Q When did Cussehta Harjo die? A I do not know just when he died but he has been dead, I am sure, over twenty years.
Q Were they both full blood Indians? A Yes, sir, as genuinely so as Chitto Harjo himself.
Q Did they have the same father and mother as Chitto Harjo? A Yes, sir, the same father and mother.
Q Was Ahalek Harjo ever married to any other woman other than the

mother of Chitto Harjo? A Yes, sir, Chitto Harjo's mother was his first wife. After she died he married a woman named Nothlahiye. By her he had two children, both boys, who are still living and both [illegible]. One is named [illegible] and one named [illegible] Emahe.

Q Is it true that he is the Secretary of the Snake Faction? A I do. I know it. A Freely admits. He has acted as Secretary for the Snake Faction ever since it was organized.

Q Is he the only Secretary they ever had? A Randy is not now acting as Secretary, having been succeeded by a member of Okfuskee Town and I have learned lately that he has resigned as Secretary and has been succeeded by a young man, a son of Kere Jones. He belongs to Tulsa Canadian Town.

Q On the 1890 Authenticated Roll, Arbeka Deep Fork Town, appear the following names: "Lizzie, Mitchi, Tahlo, Mahaley, Yihmey, Wacey, Thomas, Hampton, Susanna." Do you know any of these people? A No, Sir, they live, or are supposed to live, somewhere in the Cherokee Nation. I am not acquainted with any Creeks living over there, none of them ever having lived in the Creek Nation in recent years. Most of the Creeks living in the Cherokee Nation have lived there since before the War. I wish to add that if any one calling himself Samuel Harjo and claiming to be a member of Arbeka Deep Fork Town, has made application to the Commission for enrollment as a citizen of the Creek Nation, I am convinced it is a fraud. If the three divisions of Arbeka Town were called together to identify such member, I do not believe such a person could be found.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 29 day of Sept, 1906.

[illegible]
Notary Public.

En. 496 I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Simon Harjo, Nettie Harjo, Delilah Harjo, Samuel Harjo, Baby Harjo and Charley Harjo, deceased, as citizens by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on June 1, 1904, Samuel Harjo appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of himself and his five minor children, Nettie Harjo, Delilah Harjo, Samuel Harjo, Baby Harjo and Charley Harjo, deceased, as citizens by blood of the Creek Nation.

Further proceedings were had October 11, 1904, October 14, 1904, October 27, 1904, January 21, 1905, February 13, 1905, February 21, 1905, September 14, 1905, September 15, 1905 and September 22, 1905.

It appearing that the correct name of the principal applicant herein is Simon Harjo, he is hereinafter referred to by that name.

The evidence shows that said Nettie, Delilah, Samuel, Baby and Charley Harjo, deceased, are the minor children of said Simon Harjo, that no claim is made that the mother of said minor children is entitled to enrollment as a citizen of the Creek Nation and that said Simon Harjo has been a resident of the Creek Nation all his life.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory, nor are the applicants, or any of them, identified, as the children of a person or persons so enrolled or admitted.

It is, therefore, ordered and adjudged, that there is no authority of law for the enrollment of said Simon Harjo, Nettie Harjo, Delilah Harjo, Samuel Harjo, Baby Harjo, and Charley Harjo, deceased, or any of them, as citizens by blood of the Creek Nation and the application for their enrollment as such is accordingly denied.

Commissioner.

Muskogee, Indian Territory,

NOV 11 1905

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(Copy)

Henryetta, I. T., May 24, 1905.

Hon Dawes Commission,

Muskogee, Ind T.

Enclosed please find affidavit of Watley Downing in the application of Simon Harjo for citizenship and to be placed on the rolls of your Commission. I wish you would place the same on file and consider the same with the affidavits heretofore mailed you, together with the testimony heretofore submitted by me.

Will you kindly inform me as to the result of your deliberation on all the proofs admitted together with the affidavits.

Yours very Respectfully,

(signed) SIMON HARJO,

Grayson, I. T.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES
Received
1905 SEP 30 1905

Posey, Alex,
Eufaula, I.T.,
Creek Nation,
Sept. 29, 1905.

Transmits testimony in re application for enrollment of Samuel Harjo et al as Creek citizens.

CREEK ENROLLMENTS

[illegible], Indian Territory, September 29, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith testimony taken September 15, 15 and 22, 1905, in the matter of the application for the enrollment of Samuel Harjo, et al., as citizens by blood of the Creek Nation, together with copies of the testimony heretofore taken in said case.

Advise me if further evidence is desired in said case.

Respectfully,

Clerk in Charge Creek Field Party.

Muskogee, Indian Territory, November 13, 1906.

Simon Marjo,

Care W.R.Hoyt,

Henryetta, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of yourself and your minor children, Nettie, Delilah, Samuel, Baby and Charley Marjo, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-13-1

Mm.496

Muskogee, Indian Territory, November 13, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Simon Marjo, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-13-J

[illegible]

Muskogee, Indian Territory, [illegible]

Phillips & Bozarth,

Attorneys for Simon Harjo, et al.,

Okmulgee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application of Simon Harjo, et al. as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-11-2

Ex.494

Muskogee, Indian Territory, November 13, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Simon Harjo, et al., as citizens by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 11, 1908.

Respectfully,

Commissioner.

Through the

Commissioner of Indian Affairs.

AG-13-6

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William W. Wright -

Pea Creek enrollment of Simon Harjo et. al.

1 enc,

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DEPARTMENT OF THE INTERIOR
JAN 29 1907
Returned with No. 1028
Inclosure / IND. TER. DIV.

DEPARTMENT OF THE INTERIOR
RECEIVED
JAN 31 1906
Enc. No. 3 of No. 322
INDIAN TERRITORY DIVISION

WILLIAM W. WRIGHT,
Lawyer,
CONCORDE BUILDING,
WASHINGTON, D. C.

REFER TO
COLUMBIA NATIONAL BANK

December 30th, 1905.

Hon. Commissioner of Indian Affairs,

Washington D. C.,

Dear Sir:

In re. application of Simon Harjo, et al, Creek Citizen Applicants:

I enclose herewith memorandum of argument in the above application, also affidavit of service, according to rule etc.,

Please note my appearance in this case and advise me of any official action therein.

Very respectfully,

W. W. Wright

Department of the Interior.
RECEIVED
JAN 15 1906
No. 615
Indian Territory Division.

DEPARTMENT OF THE INTERIOR.
JAN 24 1907
Returned with No. 1828
Inclosure 2 I. T. D. 152. DEC

10821

IRVIN DONOVAN

EDWARD A. GRIESEL
ATTORNEY AT LAW

LAW OFFICE
DONOVAN & GRIESEL

ROOM 6, "FAIR STORE" BLDG.

TELEPHONE 917

MUSKOGEE, I. T., January 12, 1906

Secretary of the Interior,

Washington, D.C.

Sir:-

Simon or Samuel Harjo has this day retained us as his Attorneys in the matter of the application for the enrollment of himself and children as citizens of the Creek Nation.

We are informed by the Commissioner to the Five Civilized Tribes that this case is now pending before the Department.

You are respectfully requested that action be deferred in this matter for thirty days in order that we may make application for admission and file our credentials before the Department before filing a Brief in the case.

Dic.

Respectfully,

Donovan & Griesel

Attys

Department of the Interior,
JAN 23 1906
987
Ind'n Affairs Division.

DEPARTMENT OF THE INTERIOR.
JAN 29 1907
Returned with No. 6828
Inclosure 3 I. D. REF. PIT.

10971

LAW OFFICE
DONOVAN & GRIESEL

ROOM 6, "FAIR STORE" BLDG. TELEPHONE 917

MUSKOGEE, I. T., Jan 20, 1906

The HONORABLE SECRETARY of the INTERIOR,

Washington, D. C.

Sir:-

At the request of Simon Harjo, we herewith mail to you his Brief and Argument in the matter of the application for the enrollment of himself and his minor children as citizens by blood in the Creek Nation.

Respectfully,

Donovan & Griesel

Dic.

DEPARTMENT OF THE INTERIOR, J.A.W.
W.C.P.
S.V.B.

Office of the Assistant Attorney General
I T D
522-1906 Washington, January 29, 1907

The Secretary of the Interior.

Sir:

I received by reference of September 27, 1906, the papers in case of Simon Harjo for enrolment of himself and his five minor children as citizens by blood of the Creek Nation. My opinion is requested "upon the question presented."

The "question presented" is not well defined and has to be gathered from the record. Harjo made application at some time not shown by the record, but on or prior to June 1, 1904, on which day Samuel Harjo, apparently the same person as applicant Simon Harjo, testified in support of the application. There were other hearings--October 11, 14, 27, 1904; January 21 February 13, 21, September 14, 15, 22, 1905. The record does not show appearances of counsel, notice of such numerous hearings, by whom the witnesses were adduced, or examined, or in whar interest, though the bearing of the testimony as adverse to the applicants seems to indicate that the tribal authorities opposed the application and offered testimony of witnesses to rebut that for the applicant. This however is a mere inference and is not clear from the record. The brief of counsel for applicant was served by registered mail, January 20, 1906, upon M.L.Mott as counsel for the nation and complains that five of the hearings(without specifying which ones) "were held

without notice to the applicants and without opportunity being given them to be present at said hearings." Counsel for the nation, thus served with claimant's brief about a year ago, has made no response.

November 1, 1905, the Commissioner found and decided that:

> It appearing that the correct name of the principal applicant herein is Simon Harjo . . the evidence shows that said , , (minors) are the minor children of said Simon Harjo, that no claim is made that the mother of said minor children is entitled to enrollment as a citizen of the Creek Nation and that Simon Harjo has been a resident of the Creek Nation all his life
>
> It does not appear from the evidence that the applicants or any of them have ever been enrolled as citizens of the Creek Nation, nor have they or any of them ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory,nor are the applicants or any of them identified as the children of a person, or persons, so enrolled or admitted.

It was therefore held that there was no authority of law for the applicant's enrolment, and they were denied.

The finding does not fully respond to the evidence and contentions in the record. There was a claim of identity of person under different names, viz: Samuel, Manuel, and Harjo Harjo, as being the same person as Simon Harjo, the applicant. The applicant was adduced as a witness in his own behalf and sworn under the name of Samuel Harjo, and testified that his Indian name was Harjo Harjo, his father's name was Harjo Harjo, and that his father was also otherwise known as Manuel Harjo and Manuel Jones. G.W.Hill, once town king of Osoche town, testified that he enrolled the members of that town and listed applicant thereon as Samuel Harjo, which roll he turned over to Joseph Kelley, his successor. John Perryman testified that the

applicant as Samuel Harjo was recognized as a citizen and [illegible] tribal payment when his town king was there, and witness also drew money. There was other evidence tending to prove this contention. It seems clear that the mere finding that applicant's true and correct name is Simon is not a finding that he is not borne upon rolls of the Creek Nation under the name of Samuel or of Harjo, as he contended and tried to prove.

The finding is further deficient in that it is silent as to whether the principal applicant is of Creek blood. It finds merely that he was born and always has lived in the Creek Nation. If he was of Creek blood, born to that tribe's allegiance, there resident and recognized as a Creek citizen, by whatever name or names he may have been known, and living April 1, 1899, he is entitled, under the terms of the act of March 1, 1901 (31 Stat.861,869-70), for reasons stated in my opinion of December 23, 1903, in case of Dan Campbell, to which reference is here made, to be enrolled. The evidence ought to be reviewed in your office or by the Commissioner, and a clear finding made upon the facts, allowing claimant, if he desires, further opportunity, on proper notice to the nation, to show the above suggested necessary facts.

Very respectfully,
Frank L. Campbell
Assistant Attorney General

Approved January 29, 1907
E.A.Hitchcock
Secretary

[redacted]

[redacted], January 1, 1907

I.T.D.1828-1907
LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir;

There is inclosed a copy of an opinion of the Assistant Attorney General of January 29, 1907, approved by the Department the same day, in the Creek enrolment case of Simon Harjo, et al submitted with your letter of November 13, 1905, and Indian Office letter of January 6, 1906, in which it recommended that your decision adverse to the claimants be affirmed.

Attention is called by the Assistant Attorney General to the opinion of his office of December 23, 1903, in the case of Dan Campbell, an alleged Creek freedman.

The papers in the case, except the Indian Office letter and your letter of November 13, 1905, are inclosed, and you are directed to proceed with a readjudication of the case in accordance with such opinion.

Respectfully,

Thos Ryan
First Assistant Secretary

Through the Commissioner
of Indian Affairs

7 inclosures

Cr.No. 498.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY,
FEBRUARY 14, 1907.

In the matter of the application for the enrollment of Simon, Nettie, Delphia Samuel, Baby and Charley Harjo, deceased, as citizens by blood of the Creek Nation.

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NOTE: On November 11, 1905, the Commissioner to the Five Civilized Tribes rendered a decision in this case denying the applicants and on November 13, 1905, said decision was transmitted to the Secretary of the Interior. On February 1, 1907, the case was remanded to this office with directions to proceed with a readjudication of the case in accordance with the opinion of the Assistant Attorney General, enclosed in letter of the Department. Immediately upon receipt of said letter of the Department, Mr. Irwin Donovan, the local attorney for the applicant, was notified by 'phone and written notices were sent to the applicant and to his several attorneys and to the attorney for the Creek Nation, notifying them that they would be allowed up to February 14, 1907, to introduce whatever testimony they may desire.

APPEARANCES: J. P. Farnsworth, representing M. L. Mott, Attorney for Creek Nation.
Irwin Donovan, attorney for applicant.

WITNESSES: Tobe Tiger and John Francis.

By Commissioner to Mr. Donovan:

Q You are the attorney for Simon Harjo the applicant in this case? A Yes sir.
Q Is there any other attorney in this case? A I understand William W. Wright of Washington is also an attorney for the applicant.
Q Do you know why he does not appear here to day? A The distance is so great that he can't come.
Q Have you seen and communicated with Simon Harjo, the applicant in this case? A Yes sir.
Q What is his wish in the matter of this rehearing? A He wishes to introduce these witnesses I have here today.
Q Did he wish to introduce any other witness at the present time? A Not at the present time. Of course if the Creek Nation wishes to introduce anything we might have to introduce witnesses on that point.
Q Then for the purpose of rebuttal that the attorney might wish to introduce, these witnesses are the only ones you wish to introduce now? A That is all.
Q The witness Tobe has been a witness in this case heretofore? A Yes sir.
Q Can't you tell us why Simon Harjo himself who was notified to be present here today does not appear? A He was notified that he would be given an opportunity to appear but he does not see the necessity of appearing here.

Q I will ask you Mr. Donevan what is the nature of the testimony that the witnesses wish to introduce?

By Mr. Farnsworth.
The letter addressed to M. L. Mott was not delivered until the evening of the 13th of February.

By Commissioner.
Q But you were verbally notified then of this rehearing on the 9th day of this month, Saturday evening? A Yes sir.

The complete record including the letters covering the reajudication are placed at the disposal of the attorney for the applicant and the attorney for the Creek Nation.

By Commissioner to Mr. Donevan.
Q What did you intend to prove by these witnesses? A We intend to prove that the applicant was born of a Creek citizen, has always lived in the Creek Nation, is of Creek blood, born to the tribal allegiance, their residence, and their recognition as a Creek citizen.

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TOBE TIGER, being duly sworn by M. C. Hainn, a Notary Public, testified as follows, through Official Interpreter, Lena Merrick.

Examination by Commissioner.
Q What is your name? A Tobe Tiger.
Q How old are you? A About seventy.
Q What is your post office address? A I can't think of it just now.
Q Is it Okmulgee? A No sir.
Q Morse? A No sir.
Q It is Grayson? A It is Wildcat.
Q Did you testify in this case before? A Yes sir.
Q Your post office given atbthat time, October 1904, was Okmulgee? Is that your post office now? A No sir. I have changed my post office from Okmulgee to Wildcat.
Q Do you know the applicant in this case? A Yes sir.
Q What is his name? A Simon Harjo.
Q His name is Simon Harjo? A Yes sir.
Q Did you ever know him by any other name? A I don't know.
Q How long have you known this applicant, Simon Harjo? A I have known him since the Civil War shortly after peace was declared.
Q When did you last see him? A I saw him yesterday.
Q Where did you see him? A We came up here to gether.
Q Come up where? A Up here to Muskogee..
Q Is he here now? A Yes sir, he is in town.
Q Where does this Simon Harjo that you have known since the war live? A He is postmaster at Wildcat.
Q What kind of looking man is he, what is his appearance?
A He looks like a mulatto.
Q What do you mean by that, is he partly negro that is the usual meaning of mulatto, is that what you mean? A Yes, he is partly negro.
Q What is the rest of his blood do you know? A He is a Creek.
Q How much Creek blood has he do you know? A He is a full blood Creek.
Q If he is partly negro as you say, and if he has the appearance

of a mulatto, how does it come he is a full blood Creek?
A His mother was a full blood.
Q Didn't you say he was partly negro? A Yes sir, he is part negro.
Q Then he is not a full blood Creek? A His mother belonged to Osochee town, he must be a full blood Creek.
Q What is the name of his mother? A Mahaley Harjo.
Q Is she living? A No sir.
Q How long has she been dead? A She hasn't been dead so very long.
Q About how many years, can you tell? A About five or six years.
Q What is the name of his father? A I don't know.
Q Well, do you know his father, do you know who he was?
A I don't know. I just knew his mother.
Q Don't you know who his father was? A I don't know, I never saw him.
Q I will call your attention to the testimony given by you on October 14, 1904, in which you were asked this question: "What is the name of the father of Simon Harjo"? answer"He was a brother of Crazy Snake and belonged to Arbeka town". How do you explain that, how does it come you don't know his name now? A I might have said that but I don't remember it.
Q Did any one ever tell you who was the father of this Simon Harjo? A no sir.
Q Did Simon Harjo himself ever tell you who his father was?
A I don't know his name.
Q In your previous testimony you were asked this question: "Do you know Simon Harjo's father?" answer "I don't know his father, but he told me his father was named Alex Harjo". Have you anything to say to that in explanation? A If I said Alex Harjo was his father, I guess that is right.
Q Do you know is any money was drawn for Simon Harjo, the applicant, from the Creek Nation? A I don't know anything about that it may have been drawn for him, he belonged to Arbeka town.
Q What town did he belong to? A Arbeka.
Q How do you know he belonged to that tonw? A Mahaley belonged to Osochee town and when she married Alex Harjo, they were transferred to Arkbeka town; that is the reason I know Simon belongsto Arbeka.
Q I will ask you once more, do you know whether any money was ever drawn for Simon Harjo from the Creek Nation? A I don't know.
Q I will call your attention to your testimony at the previous hearing in which you were asked this question: "Do you know whether money was ever drawn for Simon Harjo, from the Creek Nation?" answer "Yes sir." "Do you know that money was drawn for him " answer "Yes sir." "Who told you" answer "I know myself". "Did you see the money paid to him"? answer "I knew he received money". "How do you know it" answer "His wife drew the money. "How do you knew he drew money if you did not see it paid to him"?
A I don't know how to answer that.
Q Did you see Simon Harjo's wife draw money too? A Yes sir." How does it come you can testify so positive that money was drawn for Samuel Harjo and now you say that you don't know whether any money was drawn for him, how do you explain that? No answer.
Q Once more the interpreter is asked to repeat the questions, having been asked by the atterney for the applicant to answer it.
No answer.

Mr. Donovan, atterney for applicant.
Q Go ahead? A I won't answer the question.
Q Now Tobe at that time you were asked if this man was ever called by any other name, you said he was known as Samuel; today

[illegible]
[illegible]
[illegible] that.
Q [illegible] you the name of this applicant on the tribal rolls [illegible] of the Creek Nation, did you ever see it yourself?
A No sir, never did.
Q Then you don't know whether his name is on any of the rolls--tribal rolls of the Creek Nation? A No sir.
Q Do you know if any money was drawn for him from the Creek Nation, I will ask you that once more? A I don't know, he may have drawn money from the Creek Nation; he may have drawn money with the members of the Arbeka town, I don't know anything about that. He moved down to Arbeka.
Q Inasmuch as the time is very short within which the Secretary of the Interior can approve of cases, and inasmuch as this case has been sent to this office for readjudication, I will ask the attorney for the applicant and the attorney for the Creek Nation to look with me at the 1890 and 1895 rolls of the Creek Nation, for the towns of Arbeka and Oscochee for the name of Simon or Sam Harjo.

1890 and 1895 rolls for Oscochee and Arbeka towns are examined and the name of Simon or Samuel Harjo not found thereon.

By Mr. Donovan:

On Arbeka Deep Fork town roll you will find the name of Mahaley.

By Commissioner.

The 1890 Arbeka Deep Fork roll is also examined and the name of Mahaley is found thereon.

By Mr. Donovan.

The Creek Attorney may now have the witness.

By Mr. Farnsworth.
Q How long have you known Simon Harjo? A Since the war, after peace was declared.
Q How old was Simon Harjo then? A He was a young man when I knew him.
Q And that was shortly after peace was declared? A Yes sir.
Q Have you ever known him to be called anything else besides Simon Harjo? A I don't know.
Q Have you been acquainted with him of recent years? A Yes sir.
Q And he has always been called Simon Harjo? A Yes sir, that is all I have known him by.
Q What did you say was the name of his mother? A Mahaley was her name, and then she married a man named Harjo; then she became Mahaley Harjo.
Q Was she an Indian by blood or Freedman? A She was partly negro and part Indian.
Q What was the name of the father of Simon Harjo? A Alex Harjo is what I have heard him called.
Q Was he a Creek Indian? A Yes sir.
Q What degree of blood do you know? A Full blood.
Q Can Simon Harjo talk Creek? A No sir, he can't talk Creek.

By Mr. Donovan.
Q Has Harjo lived in the Creek Nation ever since you have known him? A Yes sir.

Q Did the people of the Creek Nation consider him as a Creek Indian or a non-citizen, an outsider? A He was considered as an Indian.
Q Did you ever know any Creek Indian named S. J. Smith? A I don't know.
Q Do you know anyone named Sampson? A A I have heard the name but I don't know him.

By Commissioner.
Q What do you mean by saying he was always considered an Indian? You mean that it was just reported around that people just recognized him as an Indian in that way, as a Creek Indian?
A It is just what I have heard.
Q How near do you live to this Harjo? A About two miles.
Q How long have you lived that close to him? A About 30 years.
Q And where is this, that you used to live within two miles the last twenty years, is that out there by Grayson, or Wildcat as it used to be called? A Near Grayson.
Q Do you know of any tribal recognition of this man Harjo, that means do you know positively that he was ever recognized in any way , that is being put on the tribal rolls or being admitted by the tribal authorities, the Creek Council or the United States Court? A I just heard it being talked about in the neighborhood, that is all I know about it.
Q Did you ever hear of his ever being recognized by the Creek tribal authorities as a Creek Indian? A Yes sir, was talked around in the neighborhood.
Q Try to make it a little bit more specific, what did they say, what kind of talk did they make about his recognition, if any? A It was the talk in the neighborhood that he was an Indian Creek Indian, but I don't think he was admitted to citizenship.
Q And the only way he was considered as an Indian that it was being talked around in the neighborhood of his being an Indian, is that what you mean? A Yes sir.

By Mr. Donovan.
Q Have you ever been town king of Osochee town? A I was elected town warrior from that town.
Q Who was chief the first time you were elected warrior at that time? A Thomas Frank was town king at that time.
Q Who was principal chief at the time you were elected warrior?
A Legus Perryman.
Q Do you know Mahaley, who you say was the mother of Simon?
A Yes sir.
Q You said she was a member of Osochee town, did you not?
A Yes sir.
Q Was she a fully recognized citizen of the Creek Nation, recognized by the tribal authorities and carried on its rolls?
A Yes sir, she was a citizen of the Creek Nation.
Q Where a person is born in the Creek Nation to a recognized citizen of the Creek Nation and this person does not leave the Creek Nation or in any way abandon the citizenship to which he was born, is it required by law or custom of the Creek Nation that he should be admitted by the Council or the Courts or any other body? A Yes sir.
Q You have answered yes sir to this last question; now I want to ask you this question. Where a person is born to a Creek woman who is fully recognized as a citizen and carried on the rolls of the Creek Nation and this person has lived in the Creek Nation all his life without doing anything to forfeit his citizenship, what must he do in order to be enrolled officially as a citizen.

Do you know how to answer that question? A I don't know how to answer that.

By Commissioner.
Q If a woman, Tobe, lived in the Creek Nation from the Civil war or shortly after it until now, at the present time, and was recognized as a citizen of the Creek Nation, would he not have been admitted by the Creek Council and them have been put upon some town roll and money drawn for him? A I don't know.

By Mr.Donovan:
Q Do you understand the last three questions that have been asked you? A Yes sir I understand them, but I can't answer them.

By Mr. Farnsworth:
Q Did you ever see Simon Harjo with Mahaley? A No sir.
Q You don't know then of your own knowledge that Simon Harjo is the child of Mahaley? A Yes sir, Simon is Mahaley's child, I know that; they moved away from where I lived and went to Arbeka; I never saw her after that, and she died out there.
Q Did you not say a while ago that the first time you saw Simon Harjo, that he was a young man after the Civil War? A Yes sir, that is correct.
Q Was Simon living with Mahaley Harjo at that time? A Yes sir.
Q Was his father alive then? A No sir, he was dead I think.
Q Did Mahaley ever live outside the Indian Territory?
A No sir.

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JOHN FRANCIS, being duly sworn, by H.G. Haines, a Notary Public, testified as follows:

By Commissioner.
Q What is your name, age and post office address? A John Francis is my name.; Eufaula is my post office.
Q How old are you? A Seventy five about.

By Mr. Donovan.
Q Do you know Simon Harjo, the applicant in this case? A Yes sir. I know him.
Q How long have you known him? A Over thirty years.
Q Do you know his mother? A Yes sir.
Q Who was she? A Mahaley Harjo.
Q Was she a Creek Indian? A Yes sir, a Creek Indian and belonged to Osochee town.
Q Did she stay in Osochee town all her life? A No sir.
Q What town did she go to? A Arbeka.
Q Was she a full blood Creek? A The old lady was a full blood Creek but was dark skinned.
Q What town are you amember of? A Hickory Ground town.
Q Do the people of Hickory Ground live near the people of Arbeka? A Yes sir, they mix a good deal, but each has its own town.
Q You have known Simon Harjo thirty years? A Yes sir, little over thirty years.
Q Did you ever know him to take part in any Creek affairs?
A Yes sir.

Q Did he vote? A Yes sir, he voted for Isparhecher; he voted at Isparhecher's election.
Q Was he been recognized as a Creek by all the Creeks in the neighborhood? A Yes sir.
Q Are you a town officer, town king? A Yes sir.
Q How long have you been town king? A About twenty years.
Q Where a person is the son of a Full blood Creek Indian woman or any Creek Indian by blood , was born in the Creek Nation, and has lived in the Creek Nation all his life,and his mother was recognized by the Creeks and carried on the rolls, is it necessary for that person to be admitted to citizenship by the Creek Council or any tribal authority,or is he a citizen by birth or residence in the country? A Yes sir, full blood Indian, according to rules since I have known them.
Q Do you mean a full blood Creek Indian? A Yes sir.
Q Do you mean that Harjo's mother was a Creek Indian?
A Yes sir, he was a full blood Indian? Both of them.
Q Creek Indians? A Yes sir both of them.
Q Have you ever heard the officers of the Creek Nation dispute the citizenship of Simon Harjo? A Yes sir, Henry Washington was town king of Arbeka and I thought he put them through by Council. Henry Washington used to be town king and he tended to it.

By Mr. Farnsworth:

Q Do you understand the questions that are being asked you now by the attorney for the applicant? A I don't understand all.
Q Do you prefer to have an interpreter? A I can talk anyway.

In view of the fact that witness thinks he do not understand all the questions and in view of the fact that witness don't understand all that is being asked him, attorney for Creek Nation request that an interpreter be used and that he talk in the Creek language.

By Commissioner.
Inasmuch as the attorney for the applicant states that he prefers to examine the witness in english, it may be done that way, if the Creek attorney wishes the questions asked by the attorney in Creek and wishes to conduct his examination in english.

Q Now Mr. Farnsworth you wish the questions to be repeated in the Creek language?

By Mr. Donovan?
Q But the witness can understand english, as I understand.

By MR. Farnsworth.
Q You stated that you knew that SimonHarjovoted for Isparhecher?
A Yes sir.
Q How do you knowthat? A Somebody told me and he told me himself; that is what I heard, somebody told me he had voted and he told me.
Q You never saw him take part in anyway in the tribal government either to vote or to draw money? A They said he did, I don't know.
Q I asked you if you never saw him yourself taking part in any Creek affairs? A Henry Washington was the Town King and he made him draw the money.
Q Do you claim that Simon Harjo ever drew any money? A Yes sir. he drawed the $14 and I know Mahaley drawed.
Q

Q You are sure of that? A yes sir, his uncel, Henry Washington, he was town king of that town.
Q How do you know that? A I know because we used to live close together; they all mixed, I know I was there when Henry Washington died and we buried him.
Q How old a man was Harjo when he died? A Sixty or seventy years old.
Q I would like to ask you if the Snake Indians in all their gatherings or conventions whether they talk the Indian or english language.

Objected to by attorney for applicant until he could find out whether the witness was ever in attendance or is familiar with the gatherings of the Snake Indians.

By Mr. Farnsworth:
Q You are a member of the House of Kings? A No sir, not now, I am member of the House of Warriors.
Q You used to be a member of the House of Kings? A Yes sir, I used to be member of the Kings, I was member over twenty years they wouldn't let me alone and I am member of the house of Warriors.
Q Have you always been prominent in Creek affairs? A Yes sir.
Q Do the Snake Indians talk Creek, do they all talk the same language? A Yes, these snakes as you call 'em, they all use one language, every one of them.
Q Have you ever been to any of the gatherings or conventions of the Snake Indians? A No sir.

By Commissioner.
Q Do you know whether this Simon Harjo you are talking about, is a member of that snake faction? A No sir, he died before the Snake band ---.
Q You mean his father? A Yes sir.
Q This Simon Harjo, the applicant here, do you know whether he is a member of that band? A I don't knew.

By Mr. Donovan.
Q Do you know Sampson? A Yes sir.
Q Who is he? A That this that man's name.
Q Well, do you know an Indian named Sampson? A No sir.

By Commissioner.
Q You are introduced here today by the attorney for applicant, you came as a witness for them? A Yes sir.
Q How do any members of the Arbeka town live near Eufaula post-office? A Not as I know of, they all live near Senora and Henryetta.
Q They live near these post offices? A Yes sir.
Q Did you ever hear of any members of the Arbeka town livir at Okmulgee? A I don't know.
Q Can you tell us where, with reference to post office, this Simon Harjo lived when you first knew him? A Yes sir, at Arbeka.
Q Where at what post office? A I don't know; there are three Arbeka towns, Arbeka Deep Fork, this Simon belongs to that.
Q Where do the people of that town live? A Close to Eufaula.
Q That is where you live, close to Eufaula? A Yes sir.
Q Did Simon Harjo live close to you when you first knew him?
A No sir.
Q Near what town? A Hickory Ground town.
Q Near what post office? A I don't know.
Q Do you know where he lives now, the applicant? A Near Wildcat.

Q Do you know how long he has lived there? A No sir, I don't know.
Q And do you know of your own knowledge that he was the son of this Mahaley, do you know that yourself? A Yes sir.
Q Did you ever see him with her? A Yes sir, I have seen them together.
Q Where did you see him with her? A Mahaley?
Q Yes. A About eleven or thirteen years ago.
Q Is Mahahley living ? A No sir.
Q When did she die? A About thirteen years ago.
Q Q Where did she live? A Near North Fork.
Q How do you know she died then? A I never saw her, but I heard of her death.
Q Where did you see this applicant with Mahaley Harjo? A At Okmulgee.
Q Did she tell you that that was her son? A Yes sir.
Q She did? A Yes sir, she had several of them.
Q Do you know if any money was ever drawn for this applicant?
A No sir.
Q You don't know? A No sir, I don't know anything about that.
Q Do you know if he has ever been recognized by the Creek tribal authorities in the Creek Nation? A I thought they was put through by the Council.
Q Do you know? A I was in Council that time, they recognized him and I thought he went through.
Q Do you know if he was? A I was there I thought it went through.
Q Do you know if he was recognized as a Creek citizen? A By the Arbekas he was, old Henry Washington told me he was recognized and he was king of Arbeka town.
Q Do you know as a Council member if he was officially recognized as a citizen by the Creek tribal authorities? No answer.
Q As a member of the Creek Council do you not know that rolls were made of the citizens of the towns and payments made?
A That is what Henry Washington told me.
Q Do you know,as a man of prominence in Indian affairs, and as a member of Council for years, that rolls were made of the citizens of the Creek Nation and money paid on those rolls? A Yes sir I know that.
Q Do you know that this applicant was ever put on these rolls, do you know that? A I don't know.
Q Then do you know that people that did not get on any of those rolls petitioned Council to get on those rolls or to be admitted in the Creek Nation? A Yes sir.
Q You know that such things were done, do you? A Yes sir.

By Mr. Donovan:
We object to the above line of questioning because it has never been shown that the applicant in any way forfeited or lost the citizenship to which he was born.

Objection noted.

By Commissioner:
Q Then outside of the fact that this Henry Washington you said told you the applicant was a member of the Arbeka town, you do not know of any recognition of this applicant as a citizen of the Creek Nation? A No sir.

Q You say you have seen Mahaley? A Yes sir.
Q Did she have any other blood besides Creek blood, that you know of? A No sir.
Q Didn't you hear it said that she had negro blood? A No sir.
Q You have seen the applicant, from his appearance what would you say was his blood? A I just think he was an Indian.
Q Full blood Creek Indian? A I thought he was an Indian.
Q I am asking you these questions [illegible] the authorities at Washington cannot see him, you have seen him frequently; you have seen him today? A Yes sir.
Q From his appearance you would state that he was a full blood Creek Indian? A No sir.
Q Does he not have the appearance of having negro blood?
A Yes sir, so dark.
Q You said that Mahaley was a full blood, a dark woman, what did you mean by that? A I just thought that she might have been the other way.
Q What do you mean by that, that she might have had negro blood?
A Yes sir.
Q Then as a matter of fact from all you can learn and from the appearance of this applicant and from what you have heard, he is not a full blood Indian, is he? A No sir.

By Mr. Farnsworth:
Q Do you know any of the full blood Creek Indian who has not lived in the Creek Nation, that is not able to take the Creek language.
A I don't know, they all talk Creek.

By Commissioner
Q I will ask you this. Do you know of any one who can't talk Creek? A I knew the white or black people that can't talk.Most all the Indians can talk Creek.

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SIMON HARJO, being duly sworn by H.G.Haines, a Notary Public, testified as follows:

Examination by Commissioner.
Q What is your name? A Simon or Sampson Harjo.
Q How old are you? A Born June 24, 1863.
Q What is your post office? A Wildcat.
Q Where were you born? A In the Creek Nation.
Q Have you lived in the Creek Nation all your life? A Yes sir.
Q Never lived outside the Creek Nation? A No sir.
Q Have you ever made any visits outside the Creek Nation?
A Oh yes but never stayed out a long time; I have answered all these questions before. I was out four years going to school George Hill testified to that.
Q We don't want George Hill's testimony just now, we want your testimony.

By Mr. Farnsworth.
Q What is your mother's name? A Mahaley Harjo.

Q It appears from the testimony taken before the Commission to the Five Civilized Tribes on June 1, 1904, in the matter of the application for the enrollment of Samuel Narje and his four minor children, in answer to the question "What is your [redacted]'s name"? Samuel Narje said "Eaikie Jones".
A That is all [redacted], I didn't say anything like that, that is all a conglomeration of abusive stuff. I [redacted] answered all those questions. Mr. Gains and Mr. Donevan knows I did not answer all those questions.
Q Your wife's name is [redacted]ley? A Yes sir, she is a non citizen of the Creek Nation.
Q How long has your mother been dead? A I suppose about ten or twelve years, probably longer, I don't know the dates, my father died before she died.
Q Did you say your father died before your mother did? A Yes sir.
Q In the testimony above referred to, in answer to the question "How long has she been dead"? answer "She died in 1898, before my father". A I never said that.
Q When did your father die? A I don't remember, I don't know the dates, I don't remember.
Q But you are positive that your father died after your mother?
A I didn't say that.
Q Well before your mother died? A Yes sir before that.
Q What is your father's name? A Ahahlake Narje, I have answered that before.
Q You are positive about that are you about your father's name?
A I have stated it.
Q What is it? A I told you.
Q What do you say now? A Same thing I said before.
Q Well say it again? A Ahahlake Narje.
Q In the testimony before the Commission you stated in answer to "What was the name of your father" you said Manuel Narje.
A [redacted] is my child's name.
Q A brother of Chitto? A I never said it.
Q In answer to this question "Did he ever have any other name"? you said "Well sometimes they call him Narje Narje".
A Yes sometimes they called him that but his proper name is Ahahlake Narje.
Q But his english name was Samuel Narje? A I didn't say that; that is one of my children's name.
Q What town did you father belong to? A Arbeka.
Q What town did your mother belong to? A She was born in Oseoche; Uncle Downing testified to that.
Q You speak the Creek language? A Some, I used to speak it fluently, good, I mean plain.
Q In your former testimony in answer "Do you speak the Creek language" you answered "No, I understand it but I can't converse with any one." Is that correct? A Yes [redacted] is correct.
Q Have you ever gone by any other name than Sampson Narje?
A They nicknamed me Simon; Sampson Narje is my proper Name
Q You were nicknamed Simon, have you any other name? A All Indians get english names.
Q What is your english name? A S. J. Smith.
Q How long have you been going by that name? A Ever since I was born.
Q You have been going by the name of S. J. Smith ever since you were born? A Yes sir. Samuel J. Smith.
Q How do you happen to go by the name of Smith? A My father's name was Smith.
Q What was his first name? A I told you his first name was Ahahlake.
Q Did he have a given name, you don't know what your father's given name was? A No sir, only Ahahlake.

Q Didn't you say that he went by the name of Smith? A I say so yet.
Q Was his surname Smith? A Yes sir.
Q What is his given name? A I have told you once, I have repeated it twice. I have told you what is his name was in the second evidence and I told you again today, I have other witnesses to corroborate the statement.
Q Do you mean to say that he was called Ahahlake Harjo Smith?
A That is what I mean .
Q Was your father a Creek Indian? A Yes sir.
Q What degree of blood ? A I have always been told , I was always told he was a full blood.
Q Do you claim to be a full blood? A On the full blood roll my mother is on the full blood roll.
Q Where were you born? A Arbeka Deep Fork town between the two rivers.
Q Have you ever drawn any money in the Creek Nation? A Yes, certainly I have drawed in the 1895 $14 payment.
Q Under what name? A Sampson and the $24 payment I drew that to and the $29 payment my father drew it.
Q Under what name did he draw it? A Under Sampson Harjo.
Q What was he called then? A Ahahlake Harjo.
Q In 1895, that was about thirteen years ago, twelve years ago, why is it you didn't draw your own money, you claim that you drew money in the 1895 payment? A Yes sir I drew it.
Q Did you say that your father drew it for you? A No sir, I drawed it.
Q What town? A Arbeka town, Sam Haynes was there, he was the interpreter and Judge Moore was the treasurer;during 1890 payment I was at school and I wasn't here.
Q You were at school during the 1890 payment? A Yes sir.
Q How old were you when you went away to school? A I can't remember now.
Q Were you fifteen years old? A Probably so.
Q Were you twenty years of age? A No sir, I wasn't.
Q You weren't twenty years of age when you went to school?
A No sir.
Q That was the four years you were away in Virginia in school?
A Yes sir.
Q That was the only time, the four years you were in Virginia, that was the only time you left the Creek Nation? A Yes sir.
Q And when you say that you were out of the Creek Nation at the time of the 1890 payment were you away at school? A Yes sir. This is my home, has always been my home, voted in the Creek Nation.
Q At the time you went to school in Virginia, you weren't twenty years of age? A I don't remember how old I was.
Q Don't you remember you were not old enough to vote?
A Boys, citizens vote at sixteen.
Q Were you married before you went away to school? A No sir.
Q How long after your return from school were you married?
A I don't remember.
Q Was it one year or ten years? A I don't remember I said.
Q Can't you say whether it was one year or ten years?
A No sir, cause I don't remember.
Q But you were away to school at the time of the 1890 payment, were you? A Yes sir, I think I was, I am pretty sure. You can look up the evidence of George Hill.
Q We don't want George Hill's testimony.

Q Mahaley Marjo was your mother, you say? A Yes sir.
Q Did she go by the name of Mahaley Smith? A No sir, Mahaley Marjo.
Q Didn't you say your father's english name was Smith?
A Yes sir, I say so yet.
Q Then wasn't her name Smith? A I have testified all that I am going to testify in this case; you got my testimony, and I refuse to answer any question.
Q You refuse to answer any questions because you have-------
A The statement right before you.

By Commissioner.
Q Now Simon do you claim to have Creek Indian blood?
A I have answered that question repeatedly.
Q How much Creek Indian blood do you claim? A I have answered that.
Q Well tell us how much it is you claim? A The record shows that, you have asked me that a dozen times. Before.
Q You do not answer specifically how much blood you claim, and I ask you now, how much blood do you claim, do you claim to be a full blood Creek Indian; I have another reason for asking you that, Mr. Wright in one of his briefs state that it would be wrong to deprive a full blood Indian of his rights; I want to ask you again how much blood do you claim? A I said I am a full blood Indian, that is what I said.
Q Do you claim that both of your parents were? A That is what I have been told
Q As a matter of fact do you claim to be a full blood Indian, in other words do you claim to have no other blood than the Indian blood? A No sir.
Q Have you any negro blood in you? A No sir.
Q Your witness Tobe Tiger, testified that you were a mulatto?
A He ought to know, he knows my parents.
Q And don't you know that you have other blood than Creek Indian blood? A I have none.

By Commissioner:
The Commissioner deems it only proper to note the appearance of the applicant, whileit is not possible to state anything only the degree of blood claim by the applicant, the Commissioner decides that the applicant has not the appearance of a full blood Indian, but he has the appearance of having undoubtedly some negro blood in his veins.

By Mr. Donovan.
Q To what Indian Nation did your mother belong? A Creek Indian Nation.
Q To what Indian Nation did your father belong? A Creek Indian Nation.
Q Did you ever take up your residence other than the Creek Nation, excepting the time you were at school? A No sir.
Q Have you ever done anything that you are aware of to forfeit the citizenship in which you were born? A No sir.
Q Have you ever participated in Creek politics, have you ever voted at Creek elections? A Yes sir.
Q How many times? A Three times, Porter, Legus Perryman, no, only two.
Q Did anyone ever question your right to vote? A No sir.
Q Did you vote for Isparhecher? A No sir.
Q Did anyone question you at that time? A No sir.
Q Have you ever been told by officers of the Creek Nation that you had been expelled from citizenship in the Creek Nation or that any action had not been taken to deprive you of the citizenship in which you were born? A No sir.

Q Have you ever foresworn your allegiance to the Creek Nation?
A No sir.

Q By Commissioner.
Reference has heretofore been made to the 1890 payroll of the Creek Nation for the town of Arbeka Deep Fork. Additional attention is called to the fact that opposite the names of numbers 1, 5 and 9 therein is a pencil notation making reference to Creek Indian card 3196. Attention is now called to the fact that of the nine names on said 1890 roll of said town, only three with the notation with reference to said card, appear on the 1895 roll for said town, and the name of Mahaley, which is number 4 on said list and Sampson, which is number 8 on said list, do not appear on the 1895 roll for said town. It appears from said 1895 roll signatures and marks to these three names were made by Sam Richards; said names are as follows: Lizzie, Yakie and Susanna. In jacket 3196 on old Creek card is a notation to the effect that all reside in the Cherokee Nation if living.

By Mr. Donovan.
Q I wish to ask the Commissioner what evidence that notation is based upon.

By Commissioner.
In this case the Creek field party took the testimony of Sam Richards and he was asked this question:Do you know Lizzie, Yakie and Susanna" and he answered "That they drew the '95 payment from me. I was a member of the Council in '95 and '94, and these folks were put on the roll before; and after he died and I was elected instead of him, they drew the money; and it seems that there was lots drew and they traded on this headright and they settled and took his receipt for it; these three people they never found; they claimed at that time that there was such people and they died, that was in 1895.
"Q Who it is you claim that were dead" answer Susie Jackson and Chowe Jackson."

In said Creek case the testimony of Sam Logan was taken by said field party,who stated that he was a member of the House of Kings, and he was asked "Do you know any members of your town named Lizzie, Yakie and Susanna" and he answered "I get the names on the roll but I have never found out whether they were such people living." In answer to this question "Do you know whether there were such people living?" answer "No sir." "Have you made attempts to find them" answer "Yes sir, I have."

Case adjourned until 1:P.M. at which time the continuation of the case was reported by Elizabeth Knight.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said case on said date.

Lona Merrick

Subscribed and sworn to before me this 15th day of February, 1907.

Edward Merrick
Notary Public.

February 14, 1907.

Continuation of testimony, in the matter of the application for the enrollment of Sampson Harjo, as a citizen of the Creek Nation.

EXAMINATION BY JAY P FARNSWORTH:

Q Where did you marry your present wife? A Grayson.
Q What is your wife's name? A Mahala Herns, she was before I married her.
Q Is she living? A Yes sir.
Q How long have you been married to her? A The 16th of March, 1902--I know you can find the record by applying at Okmulgee.
Q Had you been married before that time? Yes, her name was Delilah, she was a citizen.
Q When were you married to her? A I believe it was '83.
Q Is she a Creek Indian by blood? A Yes sir.
Q How much? A About half Indian.
Q What was the other half? A Negro.
Q Was she a Creek Indian by blood? A Yes sir.
Q What was her name? A Delilah Gray.
Q You stated that she was half Indian and half negro? A Yes sir.
Q Is she on the rolls? A No sir.
Q When did she die? A She died in '85. Now I made a mistake about her being Creek, she was a Cheetaw, half Cheetaw.
Q Where did you marry her? A At So. McAlester.
Q You married her at South McAlester, Indian Territory? A Yes sir, under the Cheetaw law.
Q Were you living at So. McAlester? A No sir, I went from here there.
Q How long did you stay there? A Three or four weeks, I went for that.
Q Had you ever lived there? A No sir.
Q Did she ever live in the Creek Nation before you met her? A No sir.
Q How did you happen to meet her and get acquainted with her? A I dont remember how.
Q Did you ever live in Texas? A No sir, I never was in Texas in my life, my father has lived in Texas.
Q Your father? A Yes.
Q What is his name? A [illegible] Harjo.
Q Where was he there? A I dont know.
Q Was it before you were born? A No sir.
Q Did you go with him? A No sir.
Q You dont know how long he lived in Texas? A No sir.
Q Whether one year or two years? A No sir, I dont know, I know I have heard him say he had been to Texas, he carried cattle back and forth, I dont know how long.
Q Did you ever go to any of the tribal schools in the Creek Nation? A Yes sir, up here, Arbeka;
Q How long? A Two sessions.
Q What was your name--what name were you enrolled under? A Sampson Harjo.
Q You were appointed post master and also Notary Public under the name of S.J.Smith? A Yes sir.
Q By what names do your children go, Smith or Harjo? A By both names, Smith and Harjo too; my whole family goes by that.
Q Did you ever hold any position in the Snake Society? A Well local position--no position at all.

Q Are you well acquainted with Chitto Harjo, the chief of the Snakes? A Yes sir.
Q If you were entitled to enrollment as a citizen of the Creek Nation, how did it happen that you never made application before June 28, 1906? A How many Snakes do you know of have made application before that time?
Q Well, answer my question? A I am answering your question by asking you a question. Mr Raine knows why I did not make application before.

EXAMINATION BY THE COMMISSIONER:

Q Why? The reason why I never made application was because they was forcing the Snake Indians to come in and enroll and it was always understood that they would not be allotted land and I did not want to arbitrary to them and come in here and be enrolled.
Q Inasmuch as this witness has several times made reference to Mr. Raine(myself), I desire to ask this question--did you while in conversation with either myself of Mr. Beaver, tell either of us or have a conversation about your name of S. J. Smith that does not appear in the record?A Iremember this, you ask me how is it that I appear in making affidavit in one particular case as S.J.Smith, and come before the Commission as Sampson Harjo?
Q And what did you answer? A That it was my english name.
Q Do you remember that you told some one in the Creek enrollment division that you were arrested at Okmulgee and taken in custody by the officers and while coming to Muskogee you jumped off the train at Grayson and since that time you had gone by the name of S.J.Smith? A No sir, I deny that, you asked that same question to me before.
Q Do you remember telling anyone that you had been arrested and took that name to escape punishment? No sir, I told Mr. Mastain who I was when I went to him and he took my witnesses and he examined them in the Canadian Valley Bank and he said that he would take up the case.
Q And you did employ him? A Yes sir, and then I went over the case and told him how it was and John Perryman told him who I was.
Q And di you tell him that you had been arrested and that you had jumped off the train and that you had gone by the name of S.J. Smith since, you deny that? A I might have told him that and I dont remember it, I am not going to swear it, just as I said before when you examined me, you asked me that very question.
Q Were you ever arrested? A Yes, once for selling whiskey.
Q When was that? A A good while ago.
Q Was you ever taken into custody? A Yes sir.
Q Did you escape? A No sir.
Q You deny that story that you were taken in custody by the officers at Okmulgee and when being brought to Muskogee on the train that you escaped from them at Grayson, and ever since you have gone by the name of S. J. Smith? A Yes sir.
Q You testify today that you, yourself, drew the 1898 payment?
A Yes sir.
Q How much money did you draw? A I think $14.40.
Q You drew it? A Yes sir.
Q Under what name? A Sampson Harjo.
Q Are you sure it was not 1900 instead of 1898? A Yes sir, I knew it was not the 1900, I think it was a $24.00 payment.

Q Well, you stated that you were away from home, at school?
A Yes, sir.

CROSS-EXAMINATION BY MR. [illegible]:

Q [illegible] given by anyone for you? A [illegible].
Q Did you get the [illegible]? A My father gave it to me.

REDIRECT EXAMINATION BY THE GOVERNMENT:

Q How much time it did [illegible] you? A I don't know Mr. Haines, I can't tell you now.
Q You didn't receive any [illegible] if you held a position with the State troops, you said you held only a local one, what did you mean by that? A Nothing at all, no real appointment.
Q Why did you say then that you were anything? A Well, it is no official appointment.

I, Elizabeth Knight, on oath state, that the above and foregoing is a true and correct transcript of my stenographic notes, as taken in said cause, on said date.

Elizabeth Knight

Subscribed and sworn to before me on this the 15th day of February, A.D.1907.

Edward Harriet
Notary Public.

Dn. 496.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 13, 1907.

In the matter of the application for the enrollment of Samuel Marjo et al., as citizens by blood of the Creek Nation.

ON BEHALF OF THE COMMISSIONER:

This case was set for rehearing on or before February 14, 1907, but by mutual consent of applicant's attorney and attorney for the Creek Nation it was continued until this date.

APPEARANCES: Irwin Donovan, attorney for applicant.
Jay P. Farnsworth, representing N. L. Mott, attorney for the Creek Nation.

G. W. MILL, being first duly sworn by Henry C. Maine, Notary Public, testified as follows:

EXAMINATION

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A G. W. Mill.
Q How old are you? A About forty-nine.
Q What is your postoffice? A Hoffman.
Q Have you testified before in this case? A Yes sir.
Q (To Mr. Farnsworth) Mr. Farnsworth, have you introduced this witness? (Mr. Farnsworth) A. Yes sir.

BY MR. FARNSWORTH:

Q Are you a citizen of the Creek Nation? A Yes sir.
Q Have you ever held any official position in the Creek Nation? A Yes sir.
Q What? A Council Member and Member of Board of Education.
Q Were you a member of the House of Kings or House of Warriors? A Both.
Q What town were you king of? A In the House of Warriors, for Tulsa Commission; that is my original town.
Q Were you ever a member of the House of Kings from Coweta? A. One time.
Q Did a person by the name of Samuel Marjo make application to you to be enrolled as a citizen of that town? A Yes.
Q When was that? A About 1901 or 1902, I reckon.

Q Did you place him on the temporary roll of that town?
A. Yes sir.
Q How did you happen to place him on the rolls? A. Well, he came to me and wanted to belong to that town, and to be transferred from some town, I think it was Arbeka; I have forgotten the name now. Any how, he belonged to some other town, and I believe it was Arbeka.
Q He told you that he belonged to some other town and wanted to be transferred, did he? A Yes sir, and wanted to be transferred to Osceola Town.
Q Did you look to see if he was a member of that other town? A No sir, I didn't have time.
Q You merely took Samuel Harjo's word for it, that he was a member of some other town in the Creek Nation? A Yes.
Q Did you know Samuel Harjo prior to that time? A No sir.
Q You had never seen him before? A No sir.
Q He just came to you and stated his name was Samuel Harjo and that he wanted to be transferred to Osceola town, and you took his word and transferred him? A Yes sir.
Q Then, as a matter of fact, you don't know whether he has ever been on any roll in the Creek Nation or not before he was placed on the Osceola roll by you? A No sir.
Q Did you know his mother? A No sir, that was the first time I ever met him.
Q Then in your statement here when the question was asked "Did you know his mother", you stated "Yes, I knew his mother, Sallie or Susie"? A. I took his word for it; he told me that.
Q You took his word for it? A Yes sir.
Q All you knew in regard to this case is what he told you?
A That is all.
Q Then you answered the question "Do you know what town she belonged to", you stated "Osceola"; if you stated that you just simply was taking his word for it? A Yes; I don't remember saying that; I guess I said it though. It couldn't be Osceola.
Q Then if you answered that question "Do you know what town she belonged to", and you stated "Osceola", you were mistaken, were you? A Yes sir, I was mistaken.
Q Then they asked you the question "Do you know whether she is living", and you answered "No sir, she is dead"; did you know that of your own knowledge? A No sir, merely what he told me.
Q The last time you testified in this case in July, 1904, you were a witness for Samuel Harjo, were you not, and requested by him to appear before the Dawes Commission?
A. Yes, he requested me to come up and testify, and I told him what I knew about it wouldn't do him no good, but he just kept on after me.
Q As a matter of fact, you never knew this man prior to 1891 or 1892, and that was when he came to you and requested you to place his name on the roll of Osceola town? A No sir.
Q You never examined that roll to see if what he told you was true? A. No sir.
Q You never knew his mother? A No sir.
Q And never knew his father or anything about him? A No.

BY MR. DONOVAN:

Q Do you know all the people that were members of Osceola town more than forty years ago? A No sir; I wasn't but a boy then.
Q You don't know then whether there was a woman named Mahaley a member of Osceola town forty years ago? A No sir.
Q Was it your practice to put the names of persons on the town roll of Osceola whose names appeared on the Arbeka roll? A. At that time we got transferred from one town to another. I wastransferred into that town. They elected me when I was transferred into that town.
Q If I should come to you, a white man, would you have put me on that roll? A No, not a white man.
Q Who were you putting on the roll? A Indians and negroes. Adopted negroes. It was only temporary.
Q Did the adopted negroes, many of them, belong in Osceola town? A Only one; he is dead now.
Q One, and he is dead? A Yes sir, that is my recollection.
Q When Harjo applied to you what did you think he was? A. I thought he was some negro.
Q What does he look like to you? A Looks like a negro.
Q Does he look to you like he has any Indian blood? A No sir, just mixed blood, all I know; - white man and negro or Indian and negro, I don't know about that.
Q You don't know much about the Osceola town rolls prior to 1891 or 1892, when you were the town King, do you? A No.
Q Mr. Hill, you stated that you gave your testimony in 1904, because Harjo asked you to, is that right? A Yes.
Q Who asked you to give it this time? A I don't know; I was subpoenaed to come before the Dawes Commission.
Q Who subpoenaed you? A. Mr. Lynch.
Q Were you talked to or asked anything about what you would testify to? A No sir, he told me to come before the Dawes Commission and testify in the case of Samuel Harjo.
Q Did you talk over this case with any one before you came up here? A No sir.
Q Do you mean to say that the Creek Nation, knowing your testimony in 1904 was in favor of the applicant, subpoenaed you to testify again in this case without believing you would testify against him? (No answer).
Q Do you say positively that no one representing the Creek Nation talked with you before you came up here? A. No sir, to the best of my knowledge.

ON BEHALF OF THE COMMISSIONER:

Q You say that you placed the name of this applicant on the temporary Osceola town roll upon his representation that he belonged to another town and wanted to be transferred? A. Yes sir.
Q You never did place him on the proper town roll, did you? A. No sir, not on the authenticated roll.
Q You have examined the authenticated roll, and couldn't find his name, could you? A No sir.

BY MR. DONOVAN:

The attorney for applicants objects to the line of questioning. The testimony of the witness is irrelevant for the reason that the applicant does not claim that he or his family were on the Oseeche roll after the marriage of his mother something like forty years ago.

ON BEHALF OF THE COMMISSIONER:

Q Inasmuch as the claim has been made that this man is an Indian, and that the witness testified before that he had placed the man's name on the roll, it is certainly proper to ask him the question about that matter?
Under what name did you put him on that temporary roll? A. Sam Harjo.
Q Are you sure of that? A I am sure of that, yes sir.
Q Do you know whether this applicant was ever recognized as a citizen of the Creek Nation in any way? A I don't believe he was. If he was, he would have to be put on that authenticated roll.
Q How long have you known the applicant? A Only at that time.
Q How many years? A About 15 or 16.
Q Where do you live now? A Near Hoffman.
Q How far is that from Grayson? A About seven miles.
Q You are pretty well acquainted with this man, aren't you?
A I knew him when I see him. I never knew him by the name of Smith until he got to be postmaster at Wildcat.
Q What would you say from the appearance of this man that his blood was? A He is mixed blood; I can't say if he has got any Indian in him or not.
Q Would you positively swear from his appearance that he has negro blood? A Yes sir.
Q Would you positively swear that he has got any Indian blood?
A. Indian or white, I can't tell which.

BY MR. FARNSWORTH:

Q Did you say you had known Samuel Harjo for the last fifteen or sixteen years? A Yes sir.
Q As a Creek can you tell me whether or not he has ever participated in any way or voted in the tribal elections?
A. No sir.

BY MR. DONOVAN: You mean that you can't tell, or that he hasn't done so? A. I don't think he has, because he is not on the authenticated roll.
Q Were you around him each election day since you knew him?
A. No sir. I don't know anything about that.

BY MR. FARNSWORTH:

Q You have lived for the last fifteen or sixteen years within four or five miles of him? A. I lived down at Okeetah, and moved out in the country about seven or

eight years ago.
Q Near Hoffman? A Yes sir.
Q For the past seven years, since you have lived four or five miles from Marjo do you know whether or not he has participated in the tribal affairs? A No sir, I don't know.
Q What is the legal age of a voter in the Creek Nation?
A. Eighteen.
Q A person has to be eighteen years old before he can vote?
A. Yes sir, that is, under our law.
Q You are positive about that? A Yes sir.
Q In answer to a question in your testimony in July, 1904, "Do you know his mother", you answered "Yes, I know his mother Sallie or Susie"; you stated a little while ago you didn't know whether that was the name of his mother or not? A. He told me that was his mother's name, Susie or Sallie.
Q He told you that? A Yes sir.
Q And that was the reason why you answered that question that way? A Yes sir.
Q Not of your own knowledge, but from what Marjo told you?
A. yes sir.

BY MR. DONOVAN:

Q Did you know the applicant's father? A No sir.
Q Did you know his mother? A No sir.
Q Did you ever know him to take up his permanent residence any where but in the Creek Nation? A No sir, never did. He told me he had been with the Snake Nation.
Q You know absolutely nothing about him, is that right?
A. No sir.
Q You don't know whether his parents were Indians or not?
A. No sir.
Q You don't know whether he is an Indian or not? A No sir.
Q You don't know whether he is an Indian, or whether he is not an Indian? A No sir.
Q You don't know whether he is a member of any Creek town or not? A No sir.
Q You don't know whether he is a member, or whether he is not a member? A No sir.

(Witness dismissed).

JIM LYNCH, being first duly sworn by Henry G. Haines, Notary Public, testified as follows:

EXAMINATION

BY MR. DONOVAN:

Q What is your name? A J. M. Lynch.
Q What is your occupation? A. I at present am engaged with the National Attorney in looking up the evidence in enrollment cases.
Q You are employed by the Creek Nation? A Yes sir.

Q Did you subpoena the [illegible] man just testified in this case? A. Mr. [illegible] Yes sir.

Q Did you subpoena him without knowing any thing about what he was going to say? A. [illegible] I learned that he had been a witness in the case before the [illegible] Commission.

Q Did you find out from talking with him, or did you learn, that he ever knew or heard of the applicant in this case? A. Never questioned him along that line.

Q When you subpoenaed him you were in the dark as to what he was going to testify to? A Yes sir.

Q Didn't know anything about it? A No sir. I learned that he had been a witness in the case, and I wanted to get this transfer from one town to another straightened out.

Q Did you bring him in from out in the country anywhere? A. No sir.

Q Did you subpoena him to come in? A I subpoenaed him at Wetumka.

Q You subpoenaed him without knowing a single thing he would testify about? A Yes sir.

(Mr. Donovan) That is all.

(Witness dismissed).

ON BEHALF OF THE COMMISSIONER:

Q Have you any further evidence to offer in this case, Mr. Donovan? A (Mr. Donovan) I don't think so. - None at this time.

BY MR. FARNSWORTH:

If this man is enrolled, the Creek Nation asks that the deed be not granted the applicant until the Creek Nation is given time to investigate this case, as we are not able to get further evidence now.

I, S. T. Wright, stenographer to the Commissioner to the Five Civilized Tribes, on oath, state that I recorded the testimony and proceedings had in the above entitled cause on February 15th, 1907, and that the above and foregoing is a true and correct transcript of my stenographic notes thereof.

S. T. Wright

Subscribed and sworn to before me this February 15, 1907.

Edward Kernier.

NOTARY PUBLIC.

Muskogee, Indian Territory, February 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

February 1, 1907 (I.T.D. 1858-1907) the Department remanded the record and the decision to this office, under date of November 11, 1905, in the matter of the application for the enrollment of Simon Harjo et al. as citizens by blood of the Creek Nation, with instructions to proceed with a readjudication of the case in accordance with the approved opinion of the Assistant Attorney General therein dated January 29, 1907 (I.T.D. 388-1906). In accordance therewith the parties in interest were notified and testimony was taken in this matter on February 14 and February 15, 1907.

The entire record in the case is returned herewith, together with a new decision therein denying said application.

Very respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

Inc. CR-19-1

Cr. En. 496.

WBC
GE

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Simon Marjo, Nettie Marjo, Delilah Marjo, Samuel Marjo, Baby Marjo and Charley Marjo, deceased, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on June 1, 1904 Simon Marjo appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself, under the name of Samuel Marjo, and his five minor children, Nettie, Delilah, Samuel, Baby and Charley Marjo, deceased, as citizens by blood of the Creek Nation. Further proceedings were had October 11, October 14, October 27, 1904, January 21, February 13, February 21, September 14, September 15, and September 22, 1905.

The record in this case further shows that on November 11, 1905 the Commissioner to the Five Civilized Tribes rendered his decision denying said application and on November 13, 1905 forwarded said decision, together with the record in the case, to the Department of the Interior. On February 1, 1907 (I.T.D. 1888-1907) the Department returned said decision and directed this office to proceed with a readjudication of the case in accordance with the approved opinion of the Assistant Attorney General therein, a copy of which was inclosed therewith. In accordance with said directions notice was given to all parties in interest and further proceedings were had on February 14 and February 15, 1907. In the proceedings had on February 15, 1905 the principal applicant stated that his correct Creek name was Simon Marjo and he was thereafter referred to in the original decision in this matter under that name and will be referred to accordingly in this decision.

The evidence shows that Nettie, Delilah, Samuel, Baby and Charley Marjo, deceased, are the minor children of said Simon Marjo and a non-citizen mother named Sallie Lewis and that they claim no right to enrollment except through their father.

An attempt has been made to show that the principal applicant herein is the same person as "Sampson" whose name appears on the 1890 authenticated tribal roll of the Creek Nation, Arbeka Deep Fork Town, and that he is the son of "Mahaley" whose name also appears on said roll in a group with the aforesaid Sampson and others, and Manuel Marjo, alias Marjo Marjo, alias Manuel Jones, alias Ahalok Marjo, both of whom are claimed to have been full blood Creek Indians. It is further claimed

that the said Simon Harjo is also known under the name of Samuel Harjo, Harjo Harjo, Sam Harjo and Samuel J. Smith, which claim is sustained by the evidence.

The evidence as to the identity of the principal applicant herein and his father and mother is very confusing. The testimony of the principal applicant himself in the several proceedings had herein is so contradictory that it is almost, if not entirely worthless, and the same may also be said concerning the testimony of Tobe Tiger. John Perryman testified that the principal applicant herein drew the two payments, referring to the 1890 and 1895 tribal payments, but upon cross examination admitted that he only knew this from hearsay. Samuel Logan, a prominent member of Arbeka Deep Fork Town, Creek Nation, testified that he knew of no members of his town named Ahalek Harjo, Simon Harjo or Samuel Harjo, and that the only Mahaley he knew lived in the Cherokee Nation. March Thompson, an old member of Tulwathlocco Town, testified that he was well acquainted with the members of Arbeka Deep Fork and Osoche Towns, and that he did not know of any member of said towns by the name of Mahaley, or Ahalek Harjo, or Manuel Jones. Wilson Jones, alias Crazy Snake, the leader of the Snake faction, testified that he did not have a brother by the name of Manuel Harjo nor a nephew by the name of Samuel Harjo or Samuel Jones, as is contended by the principal applicant herein. Roley McIntosh, a prominent member of Arbeka Tulladege Town in the Creek Nation, testified that Arbeka Deep Fork Town was a sub-division of Arbeka Tulladege Town, and that he was well acquainted with the members thereof, but that he never knew any members of said town named Samuel Harjo, Ahalek or Harlicki Harjo, or Mahala Harjo. It is also worthy of mention that although the principal applicant claims to be a full blood Creek Indian, a member of the socalled Snake faction, and that he has lived in the Creek Nation all his life, yet he cannot speak the Creek language as appears from his testimony.

Although there is some evidence tending to show that the principal applicant herein has been recognized as a citizen of the Creek Nation by the tribal authorities thereof and that he appears on the 1890 and 1895 authenticated tribal rolls of said nation under the name of "Sampson", Samuel Harjo, Sam Harjo, Harjo, or Harjo Harjo, I am of the opinion that there is a failure to establish by the weight of the evidence that the applicants, the principal applicant's father or mother, or any of them, have ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, or the United States Court in Indian Territory on appeal, or that the names of any of them appear on any of the authenticated tribal rolls of the Creek Nation.

It is, therefore, ordered and adjudged that the applicants Simon Harjo, Nettie Harjo, Delilah Harjo, Samuel Harjo, Ruby Harjo and Charley Harjo, deceased, are not entitled to be

[illegible] or children belonging to the Creek Nation, and the [illegible] for their enrollment as such is respectfully denied.

COMMISSIONER.

Muskogee, Indian Territory,

FEB 25 1907.

Cr.Ex.496.

Muskogee, Indian Territory, February 26,1907.

S.J. Smith (or Samuel Marje),
Grayson, Indian Territory.

Dear sir:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for yourself and children as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Registered.
MF-1.

Sr.No.496.

Muskogee, Indian Territory February 26,1907.

W.M.Wright,
Washington Loan and Trust Building,
Washington, D.C.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Simon Harjo, et al., as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

M-S.

Cr.Ex.496.

Muskogee, Indian Territory, February 26,1907.

Irwin Donovan,
Attorney at Law,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Simon Harjo, et al., as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

MR-S. Commissioner.

Cr.MK.696.

Muskogee, Indian Territory, February 26,1907.

M.L.Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Simon Harjo, et al., as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

MK-4.

Commissioner.

Ind.

[redacted]

I.T.D.
[redacted]
March 4, 1907.

MISSION.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek enrollment cases adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Sarah Ann Turner and Dugan Root, deceased,	February 18, 1907
G. D. Farrar, et al., (Freedmen),	February 18, 1907
Edward Buckey (Freedmen)	February 14, 1907
[redacted]	February 19, 1907
Minnie Davis, (Freedman)	February 18, 1907.
Harjoche,	February 21, 1907
Frank Brown,	February 8, 1907
Caesar Sandridge, deceased, (Freedman)	February 19, 1907
John Shelby Johnson,	February 23, 1907
Minnie Colbert, et al., (Freedman)	February 16, 1907
Minnie Evans, (Freedman)	February 19, 1907
Austin Kennard,	February 21, 1907
Gains Hodlock, et al.,	February 23, 1907
Jeffrey Gouge deceased (freedman)	February 28, 1907
Bee Dareas et al.,	January 18, 1907.

Copies of Indian Office letters submitting your reports and recommending that the decisions be approved, are inclosed.

A copy hereof and the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

15 inc. and 32 to Ind. Of.
with copy hereof. WHF 3/4/07.

COPY

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON,

Land
20406-1907. March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 1, 1907, (I.T.D.1828-1907), there is forwarded herewith report of Commissioner Bixby, dated February 16, 1907, relative to the application for the enrollment of Simon Marjo, et al., as citizens by blood of the Creek Nation, together with the decison of the Commissioner, of February 25, 1907, denying the application.

The Office has examined the record in this case and the decision of the Commissioner is recommended for approval.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

AJW-LM

Cr.En. 496.

Muskogee, Indian Territory, March 16, 1907.

Irwin Donovan,
Attorney for Simon Marje, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of Simon Marje et al., as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

LM

Cr.Rm. 498.

Muskogee, Indian Territory, March 15, 1907.

Simon Harjo,

[redacted]son, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of March 2, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and minor children, Nettie, Delilah, Samuel, Baby and Charley Harjo, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

LM

Commissioner to Five Civilized Tribes,
Muskogee, I.T.

Will you kindly furnish Duncan & Grisso a copy of all testimony taken in my case.

Sincerely Harris

In the matter of the application for the enrollment as a Creek Freedman.

APPEARANCES: E. L. Mott, Attorney for Creek Nation.

Philip Alsek being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Philip Alsek.
Q How old are you? A I don't know sir; about 30.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes sir.

The records of the Commission examined and it appears that Philip Alsek was listed for enrollment on Creek Freedman Card Field No 14, and that his name appears in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1908, at No. 74.

Q Do you make application for the enrollment of Jennetta Alsek as a Creek freedman? A Yes sir.
Q Are you the father of that child? A Yes sir.
Q What is the name of the mother? A Rina Alsek.
Q Is she your wife? A Yes sir.
Q Is she a citizen of the Seminole Nation? A Yes sir.
Q When was Jennetta born? A In April.
Q What year? A About when corn was ripe.
Q How old is she? A Four years old.
Q Is she going on four or past four? A Going on four.
Q You say she was born about the time corn was ripe? A Yes sir.
Q You mean a ears of corn? A Yes sir.
Q When corn is ripe again she will be 4 years old; is that right? A Yes sir.
Q And you laid by corn when she was born? A We was about laying by.

Rina Alsek being called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Rina Alsek.

Q Are you the wife of Philip Alsek? A Yes sir.
Q Are you the [illegible]
Q You are a [illegible]
Q When was [illegible] A Yes sir.
Q How old is this child? A [illegible] months old.
Q You mean she will be four years old [illegible] Yes sir.
Q Do you know what month she was born in? A No sir.
Q Have you any children between Jennetta and this child you have in your arms? A Yes sir.
Q How old is that [illegible] other child? A I don't know his age.

Red Holmes being called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Red Holmes.
Q How old are you? A About 36.
Q What is your post office address? A Holdenville.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know Philip Alsek and his wife Rina? A Yes sir.
Q How long have you known them? A About 8 years.
Q How far do you live from them? A I don't live more than a 1/4 of a mile from them.
Q How long have you lived that far from them? A Just about a year.
Q Do you know a child of theirs named Jennetta? A Yes sir.
Q Do you know, when that child was born? A In April, 1900.
Q How near did you live to them when this child was born? A About 8 miles.
Q Either one of them any kin to you? A No sir. Well, Philip is about 2nd or 3rd cousin.
Q Why is it that you remember the date of the birth of this child? A I had a little girl that was just one month older than his, Janie Holmes.
Q Is Janie Holmes living? A Yes sir.
Q Enrolled here? A Yes sir.
Q You did have a child named Sango? A Yes sir.
Q Twin brother of Jane? A Yes sir.

The records of the Commission examined and it appears that Sango and Jane Holmes are listed for enrollment on Creek Freedman card 820 and that their names are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior December 1, 1903, Nos. 5506 and 5507, respectively. It further appears that said Sango and Jane Holmes were born March 8, 1900.

Q You know that this child Jennetta was born about a month after these children, do you? A Yes sir.
Q Did you see this child, Jennetta soon after she was born? A Yes sir; about three days after she was born.
Q And your two children were about a month old at that time? A Yes.

The child Jennetta is present and has the appearance of being about the age given in the testimony of the witnesses. An affidavit heretofore filed with the Commission relative to the birth of Jennetta Alex is made part of the record herein.

Henry G. Haims being duly sworn on his oath states that as stenographer

or to the Commission as the true original notes he reported the above case June 10, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry L. Stains.

Subscribed and sworn to before me this 11th day of June, 1904.

Charles H. Sawyer

Notary Public.

Copy

IN RE

Application for Enrollment of

INFANT CHILD

Jennetta Alex

as a citizen of

Creek Nation

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
Sept 10 1903

Commissioner.

Dead Application.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Copy

APPLICATION FOR ENROLLMENT as a citizen of the Creek Nation.

Jennetta Alex (Name of child.), born on the 1st day of April 1901.

Name of Father: Philip Alex a citizen of the Creek Nation.

Name of Mother: Rina Alex a citizen of the Seminole Nation.

Postoffice Wewoka, O T.

Copy

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western DISTRICT.

I, Rina Alex, on oath state that I am about 20 years of age and a citizen by blood, of the Seminole Nation; that I am the lawful wife of Philip Alex, who is a citizen, by adoption, of the Creek Nation; that a female (Male or Female.) child was born to me on first day of April, 1901, that said child has been named Jennetta Alex (Name.), and is now living.

Rina Alex her x mark

WITNESSES TO MARK:

(Must be Two Witnesses.) R. L. Holmes Copy J. Johnson

Subscribed and sworn to before me this 5th day of September, 1903.

(Seal) J. Johnson Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... DISTRICT.

I, ..., a ....., on oath state that I attended on Mrs. ....., wife of ....., on the ..... day of ....., 1 ..; that there was born to her on said date a ..... (Male or Female.) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this ..... day of ....., 190 ..

..... Notary Public.

[redacted]

In the matter of the application for the enrollment of [redacted] Alsoc as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on June 10, 1904, Philip [redacted] appeared before the Commission at Muskogee, Indian Territory, and [redacted] application for the enrollment of his minor child, Jennetta Alsoc, as a Creek Freedman.

The evidence shows that Jennetta Alsoc was born prior to May 25, 1901, and was living at the date of the application herein.

The evidence further shows that said Jennetta Alsoc is the child of Rina Alsoc, a citizen of the Seminole Nation, and Philip Alsoc, whose name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior, March 13, 1902, No. 74.

It is, therefore, the opinion of the Commission that said Jennetta Alsoc should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

SIXTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Seminole Nation,
of Jenetta Elect (Give full name of child), born on the 12 day of April, 1900
Name of Father Philip Elect, a citizen of the Creek Nation.
Name of Mother Reniah Elect formerly Noble, a citizen of the Seminole Nation.
Postoffice Tidmore I.T.

Child present.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Reniah Elect, on oath state that I am 42 years of age and a citizen by blood, of the Seminole Nation; that I am the lawful wife of Philip Elect, who is a citizen, by adoption, of the Creek Nation; that a Female child was born to me on 12 day of April, 1900; that said child has been named Jenetta Elect, and was living March 4, 1905.

her
Reniah x Elect
mark
formerly Noble

WITNESSES TO MARK:
(Must be Two Witnesses.)
Chas Webster
Frank C. Sabourin

Subscribed and sworn to before me this 19 day of May, 1905

Seal

signed Chas E. Webster
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western DISTRICT.

I, Nakutke Noble, mother, on oath state that I attended on Mrs. Reniah Elect, wife of Philip Elect on the 12 day of April, 1900, that there was born to her on said date Female child; that said child was living March 4, 1905, and is said to have been named Jenetta Elect

her
Nakutke x Noble
mark

WITNESSES TO MARK:
(Must be Two Witnesses.)
Chas E. Webster
Frank C. Sabourin

Subscribed and sworn to before me this 19 day of May, 1905

Seal

Chas E. Webster
Notary Public.

S.S.M.W.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Jenetta Kleck as a citizen by blood of the Seminole Nation.

D E C I S I O N.

The record in this case shows that on May 19, 1905, there was filed with the Commission to the Five Civilized Tribes at Wewoka, Indian Territory, the application of Rinah Kleck for the enrollment of her minor child, Jenetta Kleck, as a citizen by blood of the Seminole Nation.

The evidence shows that said Jenetta Kleck was born April 12, 1900.

The records of this office show that Jenetta Kleck is a daughter of Rinah Kleck, whose name appears upon the approved roll of the Seminole Nation opposite No.968, and of Philip Aleck, whose name appears upon Creek Freedman roll No.74; that on June 10, 1904, the said Philip Aleck made application before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, for the enrollment of his minor child, Jennetta Aleck; that on December 28, 1904, the Commission rendered a decision enrolling said Jennetta Aleck, and that her name is now contained in the partial list of Creek Freedmen approved by the Secretary of the Interior, February 20, 1905, opposite number 5509.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., L.495) provides:

> "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Jenetta Kleck as a citizen of the Seminole Nation, and the application for her enrollment as such is accordingly denied.

SIGNED Tams Tibbey
Commissioner.

Muskogee, Indian Territory,

DEC 27 1905

No. 407.

[redacted]

In the matter of the application for the enrollment of Jennetta Alock as a citizen by blood of the Seminole Nation.

NINA ALOCK being duly sworn testified as follows:

Partly through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

Q What is your name? A Nina Alock.
Q How old are you? A I don't know my age. (Witness appears to be about 35 years old).
Q What is your postoffice address? A Tidmore.
Q Have you a child named Jennetta Alock? A Yes sir.
Q This is the child here? (indicating child present) A Yes sir.
Q You have heretofore testified in this case, have you not? A Yes sir.
Q Who is the father of Jennetta? A Philip Alock.
Q Is he a citizen of the Creek Nation? A Yes sir.
Q To what Creek town does he belong? A I don't know.
Q Is Philip Alock known by any other name? A No sir.
Q Are you and Philip living together as man and wife at the present time? A Yes sir.
Q Are you lawfully married? A Yes sir.
Q Have you been married more than once? A Yes sir.
Q To whom were you married before you married Philip? A My first husband was Jimmie Carter. Q He was a Creek citizen.
Q Did you have any children by him? A Yes sir, one, a boy named Jim Carter.
Q Where is your boy Jim enrolled? A In the Seminole Nation.
Q Were you ever married to any other man besides Jimmie Carter, before you married Philip Alock? A A black darkey named, [illegible]
Q Did you have any children by him? A Three children, all girls, two of whom are now living.
Q What are their names? A One is named Sewatokey, and the other Watokey.
Q Where are they enrolled? A In the Seminole Nation.
Q Your other children are by your present husband, Philip, are they? A Yes sir, four, Mary, George, Jennetta and Louisa Alock, Louisa is not enrolled, we never made application for her; she was born in February.
Q George and Mary are enrolled as Seminoles, are they not? A Yes sir.

Q You have made application to have Jennetta enrolled as a Creek, have you not? A Yes sir.
Q Where is your permanent residence and postoffice address?
A Tidmore.
Q If it should be found that your minor child, Jennetta Aleck, is entitled to rights in either the Creek or Seminole Nations, in which Nation do you elect to have the child enrolled?
A I want the child enrolled as a Seminole and given an allotment of land as such.

Testimony of Philip Aleck.

PHILIP ALECK being duly sworn testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Philip Aleck.
Q Are you known by any other name? A No sir.
Q You are enrolled under that name, are you? A Yes sir.
Q How old are you? A I don't know sir, how old I am. (Witness appears to be about 37 year or 38 years old).
Q What is your postoffice address? A Tidmore.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek town do you belong? A I don't know exactly, but I think Coody, no sir---
Q Coody Johnson? A Yes sir.
Q Who is your town king? A I don't know, some men says it is Pare Bruner.
Q Then you must belong to Canadian colored town? A Yes sir.
Q Where have you taken your allotment? A Over there at the other side of Holdenville.
Q Who are your parents? A My mother was named Jennie Stidham.
Q Who is your father? A I don't know my father; I was small when he died.
Q Was he a Creek citizen? A Yes sir.
Q Have you a child named Jennetta? A Yes sir.
Q Is the child living? A Yes sir, this one standing here, (Indicating a child present).
Q How old is she? A I don't know, she is over four years old, I think.
Q Who is the mother of the child? A Rina.
Q Rina Aleck? A Yes sir.
Q Is Rina Aleck your lawful ~~xx~~ wife? A Yes sir.
Q Are you and Rina living together now as husband and wife?
A Yes sir.
Q Ever been separated? A No sir.
Q Have you any other children by her? A Yes sir, Mary, George, and Louisa, but Louisa is not enrolled, though she drew her head rights in the Seminole Nation.
Q You made no application for her enrollment? A No sir.
Q If it should be found that ~~it~~ your child, Jennetta, is entitled to her rights in either the Creek or Seminole Nations, in which Nation do you elect to have the child enrolled? A In the Seminole.

[redacted] yet enrolled in the Seminole Nation?

[redacted]

[redacted] Seminole Roll.

[redacted] A I am on the Seminole Roll.

Q When was your child, Jeanette, born? A I don't know exactly, but she was born during corn planting time, and is a little over five years old.

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above, is a true and correct transcript of his stenographic notes thereof.

James B. Myers

Subscribed and sworn to before me, this, the 27 day of September, 1906.

Notary Public.

JBM

Creek Enc. 497

Muskogee, Indian Territory, January 9, 1908.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jennetta Alsek as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Jennetta Alsek will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

HGH-1-9-1.

D C 2281-1906.
I T D 1126-1906.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LRS

February 27, 1906. LLB

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,

Sir:

January 2, 1906, you transmitted the record of proceedings in the matter of the application for the enrollment of Jenetta Kleck, an infant, as a citizen by blood of the Seminole Nation, including your decision dated December 22, 1905, denying said application.

It appears from a letter attached to said record dated June 30, 1905, addressed by the Chairman of the Commission to the Five Civilized Tribes to the Seminole enrollment division thereof, that applications had been filed with the Commission for the enrollment of Jenetta Kleck, born April 12, 1900, Mary Kleck, born March 6, 1902, and George Kleck, born April 15, 1904, as citizens by blood of the Seminole Nation.

It appears that on June 10, 1904, Phillip Kleck, father of said minor child, Jenetta Kleck, applied for the enrollment of said child as a Creek freedman, and the name of said Jenetta Kleck now appears upon a partial list of Creek freedmen approved by the Secretary of the Interior February 20, 1905, opposite No. 5509.

The application of Rinah Klock, mother of said child, appears to have been filed on May 19, 1905, subsequent to the application of the father.

You are requested to secure additional evidence to determine whether the parents of said child are now living together as husband and wife, and with which parent said minor child, Jenetta Klock, is now residing, and the residence of all the parties should be shown.

You are requested to state in your report whether a patent has already been issued and delivered for the allotment of Jenetta Klock as a Creek freedman.

Respectfully,

THOS. RYAN,
First Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING

Cr. En. 497

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. March 28, 1906.

Alex Posey,

Creek Enrollment Field Party,

Wetumka, Indian Territory.

Dear Sir:

There is inclosed herewith copy of record in the matter of the application for the enrollment of Jenetta Aleck as a citizen of the Creek Nation, also copy of record in the matter of the application for enrollment of said child as a citizen of the Seminole Nation, together with copy of Departmental letter under date of February 27, 1906.

You are directed to secure additional evidence as to whether Philip and Rina (or Rhina) Aleck, the parents of said child are now living together as husband and wife, with which parent said Jennetta Aleck (or Eleck) is now residing, the residence of said parents and, if possible, the election of each of them as to the Nation in which said child should be enrolled.

Respectfully,

HEA-4

Acting Commissioner.

L.K.P.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jenetta Elock as a citizen by blood of the Seminole Nation.

D E C I S I O N.

The record in this case shows that on May 19, 1905, there was filed with the Commission to the Five Civilized Tribes at Wewoka, Indian Territory, the application of Rinah Elock for the enrollment of her minor child, Jenetta Elock, as a citizen by blood of the Seminole Nation.

The evidence shows that the said Jenetta Elock was born April 12, 1900, and was living March 4, 1905.

The records of this office show that Jenetta Elock is a daughter of Rinah Elock whose enrollment as a citizen of the Seminole Nation was approved by the Secretary of the Interior on April 2, 1901, and whose name appears upon the final roll of the Seminole Nation opposite number 968 thereof, and of Philip Aleck (or Elock) whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior on March 13, 1902, opposite number 74 thereof.

The evidence in this case and the records of this office further show that on June 10, 1904, Philip Aleck (or Elock) appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory and made application for the enrollment of the minor applicant under the name of Jennetta Aleck as a Creek Freedman; that on February 20, 1905 the application of said minor applicant, under the name of Jennetta Aleck was approved by the Secretary of the Interior, and her name appears opposite number 5509 of the roll of Creek Freedmen. It further appears that on December 22, 1905, the Commissioner to the Five Civilized Tribes rendered a decision, denying the application of the applicant herein for enrollment as a citizen of the Seminole Nation; and that on February 27, 1906, (I.T.D. 1138-1906) the Department remanded the matter of said application with instructions to secure additional evidence as to the residence of the father and mother of the minor applicant, and of the minor applicant herself.

That further testimony in said matter was taken at Tidmore, Indian Territory on September 10, 1906. On that date both parents of the minor applicant elected, on her behalf, that she be enrolled as a citizen by blood of the Seminole

Nation and take her rights in said nation.

It also appeared from the testimony taken on said date that both parents of said minor applicant, resided at Tidmore, Indian Territory in the Seminole Nation, and that the minor applicant resides and has always resided with her said parents in the Seminole Nation.

Section 21, of the Act of Congress approved June 28, 1898 (30 Stats.,495) provided in part as follows:

> "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It is, therefore, ordered and adjudged that the enrollment of the minor applicant, as her name appears as Jennetta Aleck, upon the partial roll of Creek Freedmen approved by the Secretary of the Interior, February 20, 1905, opposite number 5509, be and the same is hereby cancelled, set aside and held for naught; it is further ordered and adjudged that the said Jenetta Aleck is entitled to be enrolled as a citizen by blood of the Seminole Nation, according to the Act of Congress approved March 3, 1905 (33 Stats., 1048) and the application for her enrollment as such is accordingly granted.

COMMISSIONER.

Muskogee, Indian Territory,

Muskogee, Indian Territory, January 24, 1907.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

On February 27, 1906, (I. T. D., 1138-1906) you remanded to this office the matter of the application for the enrollment of Jenetta Aleck, a minor, as a citizen by blood of the Seminole Nation for the purpose of securing additional evidence therein.

It appears that on June 10, 1904, Phillip Aleck, father of Jennetta Aleck, applied for the enrollment of said child as a Creek freedman, and the name of said Jennetta Aleck was placed upon a partial list of Creek freedmen which was approved by the Secretary of the Interior February 20, 1905, opposite number 5509.

It further appears that thereafter, and on May 19, 1905, Rinah Aleck, the mother of Jenetta Aleck, a minor, made application on behalf of said minor child for her enrollment as a citizen of the Seminole Nation, and on December 22, 1905, I rendered a decision in the matter of said application denying the same for the reason that it appeared that the said applicant was the same person who, under the name of Jennetta Aleck, had, prior thereto, been enrolled as a Creek freedman.

In remanding said case, the Department requested this office to secure additional evidence to determine whether the parents of said child are now living together as husband and wife, and with which parent said minor child, Jenetta Eleck, is now residing, and stated that the residence of all the parties should be shown. You also requested that it be reported whether a patent had been issued and delivered for the allotment of Jenetta Eleck as a Creek freedman.

In response to said Departmental letter of February 27, 1906, I have the honor to report that on September 10, 1906, at Tidmore, in the Seminole Nation, Indian Territory, the testimony of Rina (or Rinah) Aleck (or Eleck) and Phillip Aleck (or Eleck), mother and father respectively of the said Jenetta Eleck, was taken by a Creek field party. A transcript of said testimony is enclosed herewith.

It appears from said testimony that the parents of said Jenetta Eleck are now living together and have never been separated; that both of said parties reside at Tidmore, in the Seminole Nation, Indian Territory, and that the said minor child, Jenetta Eleck, resides with both of said parents. It further appears that the said minor applicant, Jenetta Eleck, is the same child who was enrolled as a Creek freedman under the name of Jennetta Aleck, opposite number 5509 of the roll of Creek freedmen. Both of the parents of said minor child have expressed a desire that if it is found that the said minor child is entitled to rights in either the

Creek or Seminole Nations, it should be enrolled as a Seminole and given an allotment of land as such. It appears from the report of Alex Posey, in charge of the Creek field party who took said testimony, which report is attached to said testimony and transmitted herewith, that he fully explained to said parents that if said minor were enrolled as a citizen of the Seminole Nation, she would be entitled to but forty acres of land, whereas she would be entitled, as a Creek freedman, to one hundred sixty acres, and told them that it might be more advisable to have the child enrolled as a Creek freedman, but that, in spite of said advice, both parents persisted in their desire and election that the child should be enrolled as a Seminole.

It appears from the records in this office that no patent has been issued or delivered to Jenetta Eleck for her allotment as a Creek freedman; it further appears that no allotment selection has ever been made for her in the Creek Nation.

In view of the fact that said minor child, Jenetta Eleck, resides with both of her parents in the Seminole Nation and as it appears that she is, if not barred by her enrollment as a Creek freedman, entitled to be enrolled as a citizen of the Seminole Nation under the provisions of the Act of March 3, 1905, and inasmuch as the application on her behalf for enrollment as a Creek freedman made by her father on June 10, 1904 cannot be considered as an election as to which of the two nations the child should be enrolled in, for the reason that at that time there was no law

authorizing the child's enrollment as a citizen of the Seminole Nation, I now recommend that the enrollment of said minor under the name of Jennetta Alcek, as her name appears upon the final roll of Creek Freedmen, Opposite No. 5509, be cancelled.

In view of the short period of time which remains during which the Department under the present provision of law will have jurisdiction to enroll the applicant as a citizen by blood of the Seminole Nation, it is deemed wise to prepare a decision enrolling her as such and said decision is herewith transmitted.

In this decision I have also ordered the cancellation of the name of the minor applicant from the roll of Creek freedmen, and if the Department concurs in the recommendations of this letter, I further recommend that the decision herewith transmitted be approved.

To obviate the possibility that the decision herewith transmitted should be affirmed by you and through mistake or lack of time the name of Jenetta Kleck should not be placed upon a schedule of Seminole citizens within the time now limited by law, and she should, therefore, be left without tribal enrollment, I will also prepare and transmit, under separate cover, a partial schedule of citizens by blood of the Seminole Nation containing the name of Jenetta Kleck to be approved by you in the event this decision is affirmed.

Very respectfully,

Through the Commissioner of Indian Affairs.

Commissioner.

Inc. JCL-234.

Refer in reply to the following:
Land 10033-1907.

DEPARTMENT OF THE INTERIOR,

COPY

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 21, 1907, enclosing record, with additional testimony, in the matter of the application for the enrollment of Jenetta Eleck, a minor, as a citizen by blood of the Seminole Nation, which record was remanded for the purpose of securing additional evidence on February 27, 1906 (I.T.D.1138-1906).

It appears that Phillip Aleck (or Eleck), the father of the applicant, appeared before the Commission to the Five Civilized Tribes at Muskogee, I.T., on June 10, 1904, and made application for the enrollment of the minor applicant under the name of Jenetta Aleck as a Creek freedman; that on February 20, 1905, the application of the minor applicant, under the name of Jenetta Aleck, was approved by the Secretary of the Interior, and that her name now appears opposite No. 5509 on the approved roll of Creek freedmen.

It further appears that on December 22, 1905, the Commissioner to the Five Civilized Tribes rendered a decision denying the application of the above named applicant for enrollment as a citizen of the Seminole Nation, and on February 27, 1906 (I.T.D. 1138-1906), the Department remanded the matter , with instructions to secure additional evidence as to the residence of the father and mother of the minor applicant, and of the minor applicant herself. This further testimony was taken at Tidmore, Indian Territory, on September 10, 1906, at which time both parents of the minor applicant elected, on her behalf, that she be enrolled as a citizen by blood of the Seminole Nation, and that she be allowed to take her rights in that Nation.

It further appears, from the testimony taken on this la tter date, that both the parents of the minor applicant resided at Tidmore, I.T., in the Seminole Nation, and that the minor applicant resides, and has always resided, with her parents in that Nation.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stat.L. 495), provides that where persons for any reason make claim to citizenship in two or more tribes, that they may elect in which tribe they will take such right, but that they will be allowed rights in but one Nation. The applicant having heretofore been enrolled as a Creek freedman, has now elected to take her rights in the Seminole Nation. The Commissioner, in view of the record and the additional testimony taken

men opposite No. 3509, be cancelled, set aside and held for naught, and further ordered and adjudged that Jenetta Fleck was entitled to be enrolled as a citizen by blood of the Seminole Nation, under the provisions of the Act of Congress approved March 3, 1905, and accordingly granted her application.

The Office is of the opinion that the decision is correct and it is recommended that it be affirmed.

The Commissioner in his letter of transmittal, says that to obviate the possibility that the decision herein transmitted should be affirmed, and through mistake or lack of time, the name of Jenetta Fleck should not be placed on a schedule of Seminole citizens within the time now limited by law, and she would therefore be left without tribal enrollment, he will prepare and transmit, under separate cover, a partial schedule of citizens by blood of the Seminole Nation, containing the name of Jenetta Fleck, to be approved by the Department, in the event that this decision be affirmed.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

EWK-SD.

Refer in reply to the following:
Land: 10033-1907.

DEPARTMENT OF THE INTERIOR,

COPY. OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 21, 1907.

The Honorable,
The Secretary of the Interior.
Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 21, 1907, enclosing record, with additional testimony, in the matter of the application for the enrollment of Jenetta Eleck, a minor, as a citizen by blood of the Seminole Nation, which record was remanded for the purpose of securing additional evidence on February 27, 1906 (I.T.D. 1138-1906).

It appears that Phillip Aleck (or Eleck), the father of the applicant, appeared before the Commission to the Five Civilized Tribes at Muskogee, I.T., on June 10, 1904, and made application for the enrollment of the minor applicant under the name of Jennetta Aleck as a Creek freedman; that on February 20, 1905, the application of the minor applicant, under the name of Jenetta Aleck, was approved by the Secretary of the Interior, and that her name now appears opposite No. 5509 on the approved roll of Creek Freedmen.

It further appears that on December 22, 1905, the Commissioner to the Five Civilized Tribes rendered a decision denying the application of the above named applicant for enrollment as a citizen of the Seminole Nation, and on February 27, 1906, (I.T.D. 1138-1906), the Department remanded the matter, with instructions to secure additional evidence as to the residence of the father and mother of the minor applicant, and of the minor applicant herself. This further testimony was taken at Tidmore, Indian Territory, on September 10, 1906, at which time both parents of the minor applicant elected, on her behalf, that she be enrolled as a citizen by blood of the Seminole Nation, and that she be allowed to take her rights in that Nation.

It further appears, from the testimony taken on this latter date, that both the parents of the minor applicant resided at Tidmore, I.T., in the Seminole Nation, andthat the minor applicant resides, and has always resided, with her parents in that Nation.

Section 21 of the Act of Congress approved June 28, 1898 (30 Stat.L. 495) provides that where persons for any reason make claim to citizenship in two or more tribes, that they may elect in which tribe they will take such right, but that they will be allowed rights in but one Nation. The applicant having heretofore been enrolled as a Creek Freedman, has now elected to take her rights in the Seminole Nation. The Commissioner, in view of the record and the additional testimony taken in the matter, ordered and adjudged that the enrollment of the minor applicant, as her name appears on the partial roll of Creek Freed-

[illegible] enrollment of the [illegible] partial roll of Creek [illegible] and held [illegible] that Jenetta Fleck was entitled to be enrolled as a member of the Seminole Nation, under the provisions of the Act of Congress approved March 3, 1905, and accordingly granted her application.

The Office is of the opinion that the decision is correct, and it is recommended that it be affirmed.

The Commissioner, in his letter of transmittal, says that to obviate the possibility that the decision herein transmitted should be affirmed, and through mistake or lapse of time, the name of Jenetta Fleck should not be placed on a schedule of Seminole citizens within the time now limited by law, and she would therefor be left without tribal enrollment, he will prepare and transmit, under separate cover, a partial schedule of citizens by blood of the Seminole Nation, containing the name of Jenetta Fleck, to be approved by the Department, in the event that this decision be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWR-SD.

~~Would it not be well to write decision, enrolling as a Seminole, and transmit with report?~~

~~[illegible initials]~~

Decision & report.

Mr. Bixby:

This action seems to be OK, although I am [illegible] to the [illegible] to relinquish his allotment [illegible] in the Creek Nation for an allotment [illegible] the Seminole Nation. [illegible] may prefer to have the claim allowed [illegible] as a Seminole Indian rather than as a Creek freedman. [illegible initials]

CR EU 498

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., November 13, 1902.

In the matter of the application of Sarah Stevens for the enrollment herself and her two minor children, Wiley and Mose Stevens, as citizens, by blood, of the Creek Nation.

Sarah Stevens, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A Sarah Stevens.
Q What is your age? A Thirty-one or two years old, they tell me.
Q What is your post office address? A Grayson City, Ind. Ter.
Q For whom do you now make application for enrollment? A For myself and two children.
Q What are the names and ages of your two children for whom you make application? A Wiley Stevens 5 and Mose Stevens 2 years old.
Q Are Wiley and Mose Stevens both now living? A Yes, sir.
Q Do you make application for the enrollment of yourself and two children, Wiley and Mose Stevens, as citizens by blood? A Yes, sir.
Q What degree of Creek blood do you claim? A Full-blood.
Q Are you a full-blood Creek Indian? A Yes, sir; that is what they tell me.
Q What is the name of your father? A Wiley McGilbray.
Q Is he living? A No, sir.
Q How long ago did he die? A I don't know; Uncle said he died about thirty-five years ago.
Q What is the name of your mother? A Susie, they tell me.
Q Is she living? A No, sir; she is dead.
Q How long has she been dead? A I don't know, sir, how long she has been dead. They died when I was a little baby.
Q Was your mother, Susie, a full-blood Creek Indian? A They say she was.
Q Was your father a full-blood Creek Indian? A Yes, sir; Uncle said he was, he knew him.
Q Do you know what Creek Indian Town your father and mother belonged to? A No, sir; I don't know that.
Q What is the name of the father of your two children, Willie and Mose Stevens? A William Stevens.
Q Is he living? A Yes, sir; he is living.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any nation in Indian Territory? A He is a citizen of the Choctaw.
Q Is he a full-blood Choctaw Indian? A I don't know whether he is a full-blood or not; he said he was a Choctaw.
Q Where do you live? A Live close to Wildcat.
Q That is in the Creek Nation? A Yes, sir.
Q How long have you lived there? A We just been there this year.
Q Where did you live before going to Wildcat? A Lived down close to Burney.
Q That is in the Creek Nation? A Yes, sir.
Q How long did you live there? A We lived there nearly two years.
Q Where did you live before going to Burney? A On Canadian, down close to the Choctaw Nation.
Q Is that in the Creek Nation? A Yes, sir.
Q Have you lived in the Creek Nation all your life? A All till I married.
Q Where did you live after you were married? A In the Choctaw Nation, where my husband's place was.

2 MISCELLANEOUS in the application for enrollment of Sarah Stevens et al. as Creek citizens.

Sarah Stevens, [illegible]

[illegible] examination.

Q How long have you lived in the Choctaw Nation? A I don't know, sir, how long it is.

Q To what [illegible] Creek Nation do you claim to belong?

A I don't know, sir.

Q Did you ever draw any money from the Creek Nation? A No, sir; never drew any of the money.

Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir; I reckon so, I have been with them all the time.

Q Have you ever been enrolled as a citizen of the Creek Nation by the Creek tribal authorities? A No, sir; not as I know of.

Q Does your name appear upon the tribal rolls of the Creek Nation?

A I don't know, sir.

Q Your two children, Wiley and Mose Stevens, were born subsequent to the year 1895? A Yes, sir.

The 1890 and 1895 authenticated tribal rolls of the Creek Nation examined and the name of the applicant not found thereon.

The 1891 and 1895 Omitted rolls of the Creek Nation, examined and the name of the applicant not found thereon.

Q Were you and your two children, for whom you now make application, ever admitted by the Commission to the Five Civilized Tribes, as citizens of the Creek Nation, under the act of June 10, 1896?
A No, sir.

The list of citizens admitted by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, examined, and the names of none of said applicants found thereon.

Q Were you and your two minor children for whom you now make application ever admitted by the Creek Citizenship Commission under the provisions of the act of the Creek National Council, approved May 30, 1895, known as the Colbert Citizenship Commission? A No, sir.

The list of citizens admitted by the Creek Citizenship Commission, under the provisions of the Creek National Council of the act approved May 30, 1895, examined and the names of none of said applicants found thereon.

Q Were you and your two miner children for whom you now make application ever admitted to citizenship in the Creek Nation by the United States court in Indian Territory upon appeal from the decision of the Commission to the Five Civilized Tribes, or from a decision of the Creek tribal authorities, under the provisions of the act of Congress of June 10, 1896? A No, sir.

The court records of the United States court for the northern district of Indian Territory examined and the names of none of said applicants found to have been admitted by the judgment of said court.

Q Did you ever reside in Texas? A No, sir.
Q Did you ever reside in the Cherokee Nation? A No, sir.
Q Do you speak the Creek language? A Yes, sir; some of it, no all of it.
Q As a matter of fact, you are part colored, are you not? A I don't know, sir.

Examination by the Commission:

Q. Are there any other statements you desire to make at this time with reference to your application for the enrollment of yourself and your two minor children, Wiley and Rose Stevens, as citizens by blood of the Creek Nation? A. No, sir.

Commission to applicant:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of yourself and your two minor children, Wiley and Rose Stevens, as citizens, by blood, of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.

Witness excused.

Oliver C. Hinkle, having been first duly sworn, upon his oath states that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 13th day of November, 1902, and that the above is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Signed Oliver C. Hinkle.

Subscribed and sworn to before me this 17th day of November, 1902, at Muskogee, Indian Territory.

SEAL W. S. Boren
Notary Public.

------:O:------

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct copy of the original now on file with the records of the Commission to the Five Civilized Tribes.

D. C. Skaggs.

Subscribed and sworn to before me this 16th day of June, 1904.

Charles W. Sawyer
Notary Public.

[redacted]

In the matter of the application for the enrollment of Sarah, Wiley and Mose Stevens as citizens by blood of the Creek Nation.

APPEARANCES: M.L.Mott, Attorney for Creek Nation.
Thomas & Foreman, Attorneys for applicants.

It appears that on November 13, 1902, application was made for the enrollment of the persons included in the application as citizens by blood of the Creek Nation. That the application was denied by the Commission December 4, 1902 and affirmed by the Department January 21 1903. December 12, 1903, the Department denied a motion for review of the case and stated: "As, however, it appears from Section 224 Creek laws 1892 edition, that Susie McGilbra and Sarah McGilbra were admitted to citizenship in the Creek Nation in 1867, if the applicants desire to present to your Commission and the Department any claim to citizenship through these citizens, they are at liberty to do so." A copy of the record in the matter of the application of November 13, 1902 is made part of the record herein.

Sarah Stevens being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Sarah Stevens.
Q How old are you? A I am 37 years old.
Q What is your post office address? A Grayson.
Q Are you making application as a citizen by blood of the Creek Nation? A Yes sir.
Q Have you some children for whom you desire to make application? A Yes sir, two.
Q What are their names? A Wiley and Mose. Wiley is 6 years old and Mose is four years old.

(A paper is presented by the applicant stating that Wiley Stevens was born July 25, 1897 and that Moze Stevens was born May 22, 1900)

Q Are these two children living? A Yes sir.
Q What is the name of your father? A Wiley McGilbra.
Q Is he living or dead? A He is dead.
Q Do you make any claim that he is a citizen of the Creek Nation? A Yes sir, he was a citizen of the Creek Nation.
Q What degree of Creek blood do you claim? How much Creek blood have you? A I don't knew sir; I claim on my mother and father's side.
Q Do you claim to be a full blood? A No sir; I don't guess I am a full blood, cause my mother wasn't a full blood the older people told me.
Q Do you know the town in the Creek Nation that your father belonged to? A No sir, I don't know his town.
Q Your mother's name was Susie, was it? A Yes sir.
Q She is dead, is she? A Yes sir.

Q Do you claim that she was a citizen of the Creek Nation? A Yes sir
Q Do you know the town that she belonged to? A No sir. I don't know my mother or father's either town.
Q What was your mother's full name? A Susie McGilbra.
Q Have you any brothers or sisters? A Not as I know of.
Q Have you any uncles or aunts? A Yes sir.
Q What are their names? A Uncle, Captain McGilbra and my aunt's name is Louisa McGilbra.
Q Are they living or dead? A They are living. They would have come up here but the storm blowed their house down.
Q Are these all the uncles and aunts you had? A Yes sir; all I know of.

Section 294 of the Creek Laws- 1893 edition- examined and the names Susie McGilbra and Sarah McGilbra appear as having been admitted to citizenship in the Creek Nation in 1867, page 102. The names appearing on that page are in three columns; Susie McGilbra is the 19th name in Column I.; Sarah McGilbra is the 4th name in Column III.

Examination by Mr. Mott:

Q Got any relatives on your mother's side? A No sir, I don't know.
Q Where did she come from? A I don't know; uncle Tobe and uncle Sam knows them better than I do.
Q Haven't you ever seen anybody that has seen them? A No sir.
Q This uncle you spoke of is he on your father's side? A Yes sir.
Q What does this man Tobe say about your mother? Full blood?
A No sir, he don't say she was a full blood Indian.
Q How old were you when your father died? A I don't know sir.
Q Which died first your father or mother? A My father got killed; my mother died.
Q What became of you when they died? A An old lady took me and raised me.
Q Who is she? A An old woman; Nancy, Indian. Part Indian and part colored; she's dead; been dead about 15 years.
Q Did she tell you whether your mother was Indian or part colored?
A I don't recollect what she said about it; I thought she was my mama all the time, but she wasn't.
Q Are the childrens' hair straight, or is it like yours? A No sir, it isn't straight.
Q Like yours? A May be a little better than mine.

Tobe McIntosh being called and sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Tobe McIntosh.
Q How old are you? A Somewhere along about 68.
Q What is your post office address? A Right here; I live here.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A All my life here.
Q Do you know Sarah Stevens? A Yes sir.
Q How long have you known her? A For a number of years; ever since she was a little girl.

Q Did you know her father? A Wiley McGilbra.
Q Was he a citizen of the Creek Nation? A Yes sir.
Q What town did he belong to? A I think that he belonged to the Cussehta town- but they may have moved,but at that time I knew that they belonged to Cussehta town.
Q Do you know about when he died? A No sir I was absent when he died but it was someway about-- I don't guess at the time; when I tells anything I wants to tell what I knows.
Q It was before the $29 payment? A Yes sir.
Q Do you know sarah's mother? A Yes sir.
Q What was her name? A Susie.
Q To what town did she belong? A I can't tell you, cause Wiley had them around at so many places; he was scouting.
Q Were they both Creeks by blood ? A Well, she was what you would call mixed Creek and colored. I,know he was a full blood Creek.

Examination by Mr. Mott:

Q Were you any kin to him? A No sir, none at all.

(By the Commission)
Q What town do you belon to? A Arkansaw District.
Q Was Captain McGilbra his brother? A They were some kind of kin; some cousin; they call cousins brother too.
Q Was Wiley McGilbra a recognized citizen of the Creek Nation at the time he died? A Yes sir.
Q And was Susie a recognized citizen? A Yes sir he was.
Q Did Wiley McGilbra have any other children? A None that I know of
Q Was his wife ever called anything else but Susan A Not as I know of; I wasn't around them a great deal:

The records of the Commission examined and it appears that Captain McGilbra is listed for enrollment on Creek Indian card Field No. 282, and that his name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13, 1902, No. 934; he being a member of Tuskegee town.
The pay roll ofml/867, made by William Byers superintendent of Indian Affairs for the Southern Superintendency examined and at page 74, in Tuskegee Canadian town appears the name Wiley McGilbra in family No. 49.

Q Do you know who was the mother of Wiley McGilbra? A No sir, I don't remember, his mther or father.
Q Were there at one time two towns inamed Tuskegee? A Yes sir, one named Tuskegee Cussehta and another named Euskegee Tusthlocco.
Q Do you know the name of Wiley McGilbra's father? A I can't tell.

Examination by Mr. Foreman:

Q Did Sarah Steven's mother have very much colored blood; was she more colored than Indian? A Her father was colored.
Q He was both Creek and Colored? A Yes sir.

(By Mr. Mott:)
Q Are you related to any of them parties? A No sir, no kin to me.
Q Hasn't Sarah any relatives in Indian Territory anywhere? A Not as I knows of.
Q Do you know where she came from or her mother? A No, I don't know where.

Q She wasn't a citizen of the Territory? A No sir; she passed for a Creek but I don't know where she [illegible] from.
Q What was her complexion? A She had colored? A She had more Indian blood in her [illegible] than her daughter here and it was about the same color as her. Wiley would take her to one place and keep her a while and [illegible].

(By the Commission):
Q Do you know the name of this woman that Sarah says raised her?
A I knowed the woman but I can't tell you his name right away.

(By Mr. Mott)
Q Was she colored or Indian? A She was colored.
Q Got any Indian in her? A Not as I know of; she might have; I think that woman that raised her died on the Canadian River.
Q Do you know whether Susan was ever on the roll or not? A Well, there is a good many Susans in our country but I have never known another Susan McGilbra; there was no other that I know of.
Q Is there any other Sarah you know of? A No sir, there's no other Sarah McGilbra that I know of; I am telling the truth cause its nothing to me; but being I know their mother and father they asked me to witness for them.
Q Do you know the character of this woman? A I never heard any bad character of her since I know them.
Q Where is her husband now? A He is here with them.
Q They are recognized as colored people, are they? A Yes sir, of course.
Q Indians regarded as colored people? A Yes sir.
Q Was her father a full blood Indian? A Yes sir had long hair down on his shoulders.

John Barnwell being called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A John Barnwell
Q How old are you? A Forty five.
Q What is your post office address? A Hirohite.
Q You are a citizen of the Creek Nation? A Yes sir.
Q Do you know Sarah Stevens? A Yes sir.
Q How long have you known her? A Ever since she was a little girl about a year old.
Q Did you know her father? A Yes sir, well acquainted.
Q What is his name? A Wiley McGilbra.
Q What town did he belong to? A Tuskegee.
Q He is dead is he? A Yes sir he was killed on 1868.
Q What town do you belong to? A Tuckabatchee.
Q Did you know Sarah's mother? A Susie? Yes sir.
Q She is dead also? A Yes sir.
Q Which died first? A Wiley McGilbra was killed first.
Q About how long has Sarah's mother been dead? A I don't know exactly.
Q How long after Wiley died before she died? A I don't know exactly how long its been from his death till she died.
Q Was Susie a Creek? A She was mixed blood.
Q Was she part Creek? A Yes sir.

Q Do you know whether or not she was a recognized citizen of the Creek Nation? A Yes sir she was.
Q Do you know how she came to be a citizen? A No sir, just thought she was a bona fide citizen.
Q What was her name before she was married? A Susie was all we called Her.
Q What town did she belong to? A I don't know; I never kept up with the towns; her town I don't know; but the only acquaintance I had with her was while Wiley had her and he came to our house for about two weeks and from that he come on down here to old uncle Sam's and stayed here on the river and I had a sister down here for a long time; he stayed here a long time and come back home.
Q He was a brother of Captain McGilbra? A Yes sir.
Q Which was the older? A He was.
Q Who raised Sarah? A I don't know.
Q You don't know whether her name was ever put on the tribal roll of the Creek Nation? A No sir, I don't.
[illegible]

Examination by Mr. Foreman:

Q Do you know when Sarah McGilbra was born? A Yes sir along about 1867; a year or two before her father died. Yes sir, just a little over; her father was killed there in the latter part of April or the 1st of May in 1868.
Q She was born a little over a year before that? A Yes sir.
Q Do you know where she was born? A Down here on the river right where my sister lived- just above there; Kook Mayers married my sister
Q Where do you live? A At Witchite.
Q Do you know how Susie McGilbra was recognized as a Creek citizen?
A No; only I don't know her town cause she was a mixed blood- but while we fullbloods understand the towns of our own and where she lived- she was just slightly acquainted with me and Wiley brought her to my house; he recognized her; just thought she was a citizen; how she was recognized I don't know exactly; of course we went by towns; of course you can't tell unless they told you what town it was.

(By Mr. Mott:)
Q You don't know whether You don't know whther Susan had any relatives or where she come from? A No sir.
Q Never heard her say whether her husband was with her or not?
A Yes sir, they was with her.
Q You never heard how long they hadbeen married then? A No sir, I don't know.
Q Did you ever hear them say anything about it? A No sir; if they did I never thought anything about it cause in those days you didn't have to get a license to marry.
Q Did they have any children then? A No sir; she was conceived then when they left my father's place.
Q How long after that before he was killed? A About a year; a little over. He was killed in 1868.
Q How long after thatbefore she died A I don't know.

By Mr. Foreman:)
Q Do you know whether the Susie McGilbra who was admitted by the Creek Council in 1867- whether she was the mother of Sara Stevens, the applicant here? A Yes sir; Susie McGilbra was Wiley McGilbra's wife.

Henry S. Raines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes therein same.

Henry S. Raines

Subscribed and sworn to before me this 11th day of June, 1904.

Charles H. Sawyer

Notary Public.

No. 498.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., June 23, 1904.

In the matter of the application for the enrollment of Sarah Stevens et al., as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Mott, Att'y for Creek Nation.
Thos. Foreman, Att'y for applicants.

CAPTAIN McGILBRAY, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Capten McGilbray.
Q How old are you? A About 48.
Q What is your post office? A Kitchete.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you a full blood Creek Indian? A Yes, sir, I'm full blood Creek Injun.
Q

The records of the Commission examined and it appears that Capten McGilbray was listed for enrollment on Creek Indian Card Field No. 282, and that his name is contained in the partial list of Creek citizens by blood, approved by the Department March 13, 1902, No. 934.

Q Do you know Sarah Stevens? A Yes, sir.
Q Did you know her father? A Yes, sir.
Q Her father dead is he? A Yes, sir.
Q What was his name? A His name was Wiley McGilbray.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q He was a Creek by blood was he? A Yes, sir.
Q About when did he die? A Why, I couldn't tell you what time he died but then I can make you remember. I not educated Injun, I tell you that, and I try show when my brother got killed.
Q Wiley McGilbray was your brother? A Yes, sir. After peace was declared about two years after that when my brother got killed.
Q You mean that he got killed about two years after the close of the Civil War? A Yes, sir, that's what I mean.
Q Did he live in the Creek Nation all his life? A All his life. He born here and raised here.
Q Did you know Sarah's mother? A No, sir.
Q You didn't know her? A No, sir. I tell you how come I didn't know her, Sarah's mother was living at Fort Gibson at the time of the war and my brother was at Fort Gibson and I was south. I was orphan kid and my aunt and sisters took me to raise, how come I didn't know anything about it.
Q You know whether or not Sarah's mother was recognized as a citizen of the Creek Nation? A Well I couldn't tell you that.
Q Do you know whether she was ever admitted to citizenship? A No, sir.
Q Do you know whether Sarah was ever admitted or not? A That's what I don't know, that's why I am here.
Q How old was Sarah when you first got acquainted with her? A I got acquainted with her about two years ago.
Q You didn't know her before that time? A Before that time I didnt know her.
Q Had you heard of her, about your brother having a child by that name? A I said but didn't know her.

[illegible]

[illegible]

Q What was the name of [illegible]

Q Did you have any brothers [illegible]

Q Give me their names? A [illegible] and [illegible]

Q Viley McGillbray [illegible] lived in the family of a person named [illegible]
A I don't know.

Q Did he live in the family of any one by the name of [illegible]? A I don't know.

Q [illegible]? A I don't know.

Q Did you know Aleck McGillbray? A Yes, sir, I knowed Aleck McGillbray, that was my uncle.

Q Did he belong to the same town that you did? A Yes, sir.

Q Did you know Betsy McGillbray? A No, sir.

Q Did you know Thomas [illegible]? A No, sir, I didn't know him.

Q Did you know any other Viley McGillbray belonging to your town but your brother? A No, sir, no one but him.

Page 74 of the 1890 Roll examined and in family No. 40 the following names appear, and in the order here given:

Eliza
J. E. A.
Vylie McGillbray
[illegible]
Jonah
Elijah

No other names appearing in that family.

By [illegible]:

Q Do you know when Sarah's mother died? A No, sir.

Q Now the reason you didn't know her mother, nor Sarah until recently, was because at the time of the war you went south and they were refugees and they went to Fort Gibson? A Yes, sir.

Q You went south at the beginning of the war? A I was the fellow that went south.

Q Your brother went to Fort Gibson? A Yes, sir.

Q And did he marry there? A He married Sarah's mother.

Q He married Sarah's mother but he was married when you went south so that you never had any opportunity to make the acquaintance of his wife? A No, sir.

Witness excused.

[redacted]

In the matter of the application for the enrollment of Sarah Stevens, as [redacted]

Appearances: M. L. Keith, Atty for Creek Nation.
Thomas B. Pitchford, by William H. Harrison, Att'y for Applicants.

DAVID HARRY, being duly sworn, testified as follows:

By Commissioner:

Q What is your name? A David Harry.
Q How old are you? A 54.
Q What is your post office address? A Okmulgee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tuskegee.
Q Do you know Sarah Stevens? A Yes, sir.
Q How long have you known her? A I have known her since she was a kid on up.
Q What you mean by a kid? A Since she was a little bit of a child.
Q Did you know her father? A Yes, sir.
Q What is his name? A Wiley McGilbray.
Q He is dead is he? A Yes, sir.
Q How long has he been dead? A I don't really remember. It was in the 1900's.
Q After the CivilWar? A Yes, sir.
Q How long after? A About a year or two.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q What town did he belong to? A Tuskegee Town.
Q Enrolled by blood? A Yes, sir, full blood.
Q Wiley McGilbray lived in the Creek Nation all his life? A Yes, sir.
Q Did you know Sarah Stevens' mother? A Yes, sir.
Q What was her name? A Susie.
Q Was she and Wiley McGilbray married? A I couldn't say if they was or not.
Q Did she live with Wiley McGilbray as his wife? A Yes, sir.
Q Do you know what her name was before she lived with him? A No, sir.
Q Do you know whether she was a recognized citizen of the Creek Nation or not? A Yes, sir, I suppose she was.
Q Sarah's mother died when Sarah was a small child? A Yes, sir.
Q About the time Wiley died? A About.
Q Were you at their house at the time they were living together? A Yes, sir, I been there now and then.
Q Was this child, Sarah, there then? A Yes, sir.
Q Who took Sarah after the death of her father and mother? A Well, sir, I couldn't tell you who took her but she was just from one place to another.
Q Did Wiley McGilbray and Susie have any other children? A No, sir.
Q Do you know whether any money was ever drawn for Sarah in the Creek Nation or not? A No, sir, I don't know.

Q Do you remember any of the people that she lived with? A No, sir, she was just from one place to another.
Q Did you ever know any other person named Sarah McGilbray, except this one? A No, sir.
Q Did you ever know any person by the name of Susie McGilbray, except her mother? A No, sir, she is the only one I ever knew.
Q Was there Something and Wiley McGilbray? A that is the only one I know, to Sarah's Father.
Q Soon after the close of the war there were two Tuskegee Towns? A Yes, sir.
Q What were they called? A Tuskegee Canadian and Tuskegee Arkansas.
Q Which one of these did Wiley McGilbray belong to? A Tuskegee Arkansas.
Q Which one did you belong to? A The same town, Tuskegee Arkansas.

The witness is identified on the 1867 Pay Roll, Page 78 under the name of Dave, Family No. 21, in Tuskegee Canadian Town.

Q Did Wiley McGilbray have any kin by the name of Eliza? A I don't really remember.
Q Do you remember any one by the name of Susanna? A No, sir.
Q Jonah? A No,sir.
Q You know, at that time, you and Wiley McGilbray belonged to the same town? A Yes, sir.
Q The present Tuskegee, at that time, was devided and you and Wiley McGilbray belonged to the same town, at that time? A We thought they would come together as one and I couldn't really tell who would belong to Tuskegee Canadian and Tuskegee Arkansas. And where they was living they was all just mixed up.
Q You was a boy then? A Yes, sir, I was quite a boy then.
Q About fifteen or sixteen years old? A About sixteen years old.

By Mr. M. Harrison:
Q How old were you when Wiley McGilbray was killed? A Couldn't remember but then I must have been about fifteen any way.
Q How long after the birth of this child, Sarah, was it that Wiley was killed? A About a year or two.
Q Do you know where Sarah was born? A Pretty near know where she was born.
Q Where was she born? A Old man named Sambo Barnette, I think she was born about his place.
Q How far did you live from Sambo Barnette's place, at that time? A About a mile south.
Q About how old was Sarah when her mother died? A Ah! she was a little bit of a girl. I couldn't say how old she was, but she was a girl couldn't walk around.
Q You don't say whether or not you saw and had the opportunity of seeing, this child from the time she was a little baby until she grew to be a woman and since that time? A Yes, sir, just now and then and so on. during
Q Have seen her all along [illegible] that time have you? A Yes, sir.
Q Have you seen her with such frequentcy as to remember her as an acquaintance of yours? A Yes, sir.
Q Was there anything about her facial expression or form that resembles her parents and if so which one? A Favored her father.
Q Do you mean Wiley McGilbray? A Yes, sir.
Q In what way? I think her face just like her father's and black eyes.
Q Whom did she marry? A Married a man named William Stevens.

Q Do you remember about the time that they were married? A No, sir not exactly the time.
Q Didn't you know when you heard it, that the woman he married was the Sarah that you knew as the daughter of Wiley? A Yes, sir

Ex. 490--3.

Q In other words you have known this woman from the time she was a little baby up to the present time? A Yes, sir.
Q Did you say she is the identical person whom you knew as the girl which was born [illegible] and said to be the child of Wiley and Susie McGilbray? A Yes, sir.
Q What position, if any, did Wiley McGilbray hold in this country?
A At one time he was [illegible] at the time of the Civil war [illegible] and I don't know what position he was holding then.
Q Was he ever captain of the Light Horse or was that his brother?
A That was his brother.

By Commission:
Q Are you a member of the Creek Council? A Yes, sir.
Q Which house? A Wariors.
Q How long you been a member? A About eighteen years.
Q Sometimes house of kings and sometimes house of wariors? A Yes, sir.
Q You were born and lived all your life in the Creek Nation? A Yes, sir.
Q During the time you have been a member of the Creek Council has this woman, who is named Sarah Stevens, been recognized as a citizen of the Creek Nation? A I guess she was recognized as a citizen of the Creek Nation, she is a citizen all right.
Q During the time you were Town King you had charge of the Tuskegee Town Roll didn't you? A Yes, sir.
Q Why is it that you didn't put this womans name on the town rolls at the time you were in the possession of the town rolls? A It is this. I couldn't tell--I couldn't read ner right had to get some body to do my writing.
Q Do you know whether or not this applicant, Sarah Stevens, was ever admitted to citizenship in the Creek Nation? A No, sir.
Q Do you know whether or not her mother was ever admitted? A No, sir.
Q Were you Town King when the $29.00 payment was made? A I was Town King when the $14.00 payment was made.
Q Where was Sarah Stevens living at that time? A I couldn't say where she was living at that time she was in the Creek Nation but I couldn't say where she was living and she might have been out of the Creek Nation.
Q You submitted the roll to the Creek Council upon which that payment was made? A It was submitted before I did, at this $29.00 payment. Some body else was king at that time.
Q There was a committee appointed in the Creek Council of 1895 known as the Committee of Eighteen and the Creek Council waiting the town kings who submitted their rolls to that Committee for investigation, you submitted you rolls at that time? A They were submitted but I wasn't town king then.
Q You come in soon after? A Yes, sir. My brother was king at that time and after his time was over then I was elected king at the $14.00 payment.
Q That is the time I asked you about? A Then I must have submitted it then.
Q If Sarah Stevens was a recognized citizen of your town at the time of that payment can you explain why her name was not submitted to the Council with the other members of the Tuskegee Town? A No, sir, I couldn't say.
Q Do I understand you to say that you have seen Sarah ever since she was a child sufficiently so that you can identify her as being the daughter of Wiley and Susie McGilbray? A Yes, sir.
Q You know that to be a fact? A Yes, sir, that is a fact.

By H. L. Mott:
Q When you were Town King was it your duty to make out a list and submit it to the Council? A No, sir, this was already made out.
Q Didn't you submit the roll? A Yes, sir.
Q Was Sarah on that roll? A I couldn't say.

[illegible]

Q [illegible] A No, sir.

Q [illegible] on that roll

[illegible] A No, sir

[illegible]

Q [illegible] about it being [illegible]? A [illegible] certain [illegible].

Q When it was submitted to the Council they approved it? A Yes, sir.

Q Was there any citizens left off the roll that they have a right to appear before the town king and ask that their names be put upon the roll? A Yes, sir.

By Commission:
The 1895 [illegible] Roll, in the possession of the Commission, of [illegible] Town, examined and none of the applicants identified thereon.

By [illegible]:

Q If there was [illegible] name appearing on that roll then the citizens have a right to appear and ask that it be put out? A Yes, sir.

Q Well when you were town king did any one appear to you? A No, sir.

Q Yet you say there was a great deal of [illegible]? A Yes, sir.

Q No one appeared to you and asked that their name be put on? A No, sir.

Q The roll you submitted to the Council was it approved? A Yes, sir.

Q Without objection? A Yes, sir.

Q If there was any objection to you would have heard of it? A Yes, sir.

Q Did any one make any objection to it? A No, sir.

Q Do you know any other people about your age that lived in that town and around the neighborhood where Sarah lived about that time? A Yes, sir.

Q Know a good many? A Yes, sir.

Q How many? A A good many.

Q You are not related to any of them? A Yes, sir.

Q You say you do know a good number of people? A Yes, sir.

Q Your brother living that was town king? A Yes, sir.

Q Who followed you as town king? My brother. After my time was out a fellow name of [illegible] Tiger and he died and my brother followed him.

Q How much blood was in Sarah's father? A Full blood Indian, supposed to be. Just like Carson.

Q How much was his wife? A I don't know.

Q Do you claim Indian blood? A Yes, sir.

Q How much? A I don't know.

By [illegible]:

Q Was Wiley McGilbray and is wife Susie recognized and considered by the people in the neighborhood in which they lived as husband and wife? A I suppose they was.

Q How did they speak of them? A Why, in that there was nothing said.

Q Was she called Mrs. McGilbray? A Yes, sir.

Q Was she known and considered as the wife of Wiley McGilbray? A Yes, sir.

[redacted]

Q Are you [redacted] by whom you married Bert A. Wilson
[redacted]?
Q With whom did she live? A With Livingston.

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I, S. Hoggs, on oath, states that the above and foregoing is a true and correct transcript of his stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this [redacted] day of June, 1904.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Stevens for the enrollment of herself and her two minor children, Wiley and Rose Stevens, as citizens of the Creek Nation.

DECISION.

It appears from the records in this case that on November 13, 1902, Sarah Stevens appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her two minor children, Wiley and Rose Stevens, as citizens by blood of the Creek Nation.

It also appears that said applicants, above named, are residents of the Creek Nation, and have resided in Indian Territory all their lives.

It further appears that said Sarah Stevens in her testimony states that William Stevens, the father of said Wiley and Rose Stevens, is a citizen of the Choctaw Nation. However, from an examination of the records in the office of the Commission, it is found that neither the said William Stevens, nor his children, the said Wiley and Rose Stevens, are citizens of the Choctaw Nation, and that their names are not found on any of the rolls of said nation.

It further appears that said applicants have never been enrolled by the tribal authorities of the Creek Nation, and that their names do not appear on any of the tribal rolls of the Creek Nation now in possession of this Commission.

It further appears that said applicants have never been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Creek Nation or by the United States court in Indian Territory, on appeal, in accordance with the provisions of the act of Congress approved June 10, 1898 (29 Stat., 321).

The act of Congress approved May 31, 1900 (31 Stat., 221), among other things, provides:

> "That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final, when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Sarah Stevens and her two children, Wiley and Rose Stevens, are not citizens of the Creek Nation, and duly and lawfully enrolled or admitted as such, and that pursuant to the provision of law above quoted, this Commission should not receive, consider or make a record of an application for their enrollment, as citizens of the Creek Nation and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this 4th day of March, 1903.

No. 496.

DEPARTMENT OF THE INTERIOR, I.D.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment of Sarah, Wiley and Moss Stevens as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on June 9, 1904, Sarah Stevens appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her two minor children, Wiley Stevens and Moss Stevens, as citizens by blood of the Creek Nation. Further proceedings were had June 23 and June 24, 1904.

It further appears from the record that on November 13, 1903, application was made to the Commission for the enrollment of the said Sarah, Wiley and Moss Stevens as citizens by blood of the Creek Nation; that the application was denied by the Commission December 4, 1903, and that the decision of the Commission was affirmed by the Department January 21, 1903; that on December 12, 1903, the Department denied a motion for review of the case and stated: "As, however, it appears from section 294 Creek laws, 1893 edition, that Susie McGilbra and Sarah McGilbra were admitted to citizenship in the Creek Nation in 1867, if the applicants desire to present to your Commission and the Department any claim to citizenship through these citizens, they are at liberty to do so"; that a copy of the record in the matter of said application of November 13, 1903, was made a part of the record herein.

The evidence shows that Sarah Stevens was not more than thirty-seven years old at the date of the application herein, and that she is the daughter of one Susie McGilbra; that in the list of persons admitted to citizenship in the Creek Nation by the Creek Council in 1867, the name Susie McGilbra appears as the nineteenth name in Column I, and the name Sarah McGilbra appears as the fourth name in Column III. (Creek Law Book , page 102, 1893 edition). It does not appear from the evidence that the principal applicant herein is the Sarah McGilbra who was admitted by the Council in 1867, nor that her mother, Susie McGilbra, is the Susie McGilbra who was so admitted.

The evidence shows that none of the applicants are full blood Creek Indians and that no claim is made that the father of said minor children, Wiley Stevens and Moss Stevens, is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

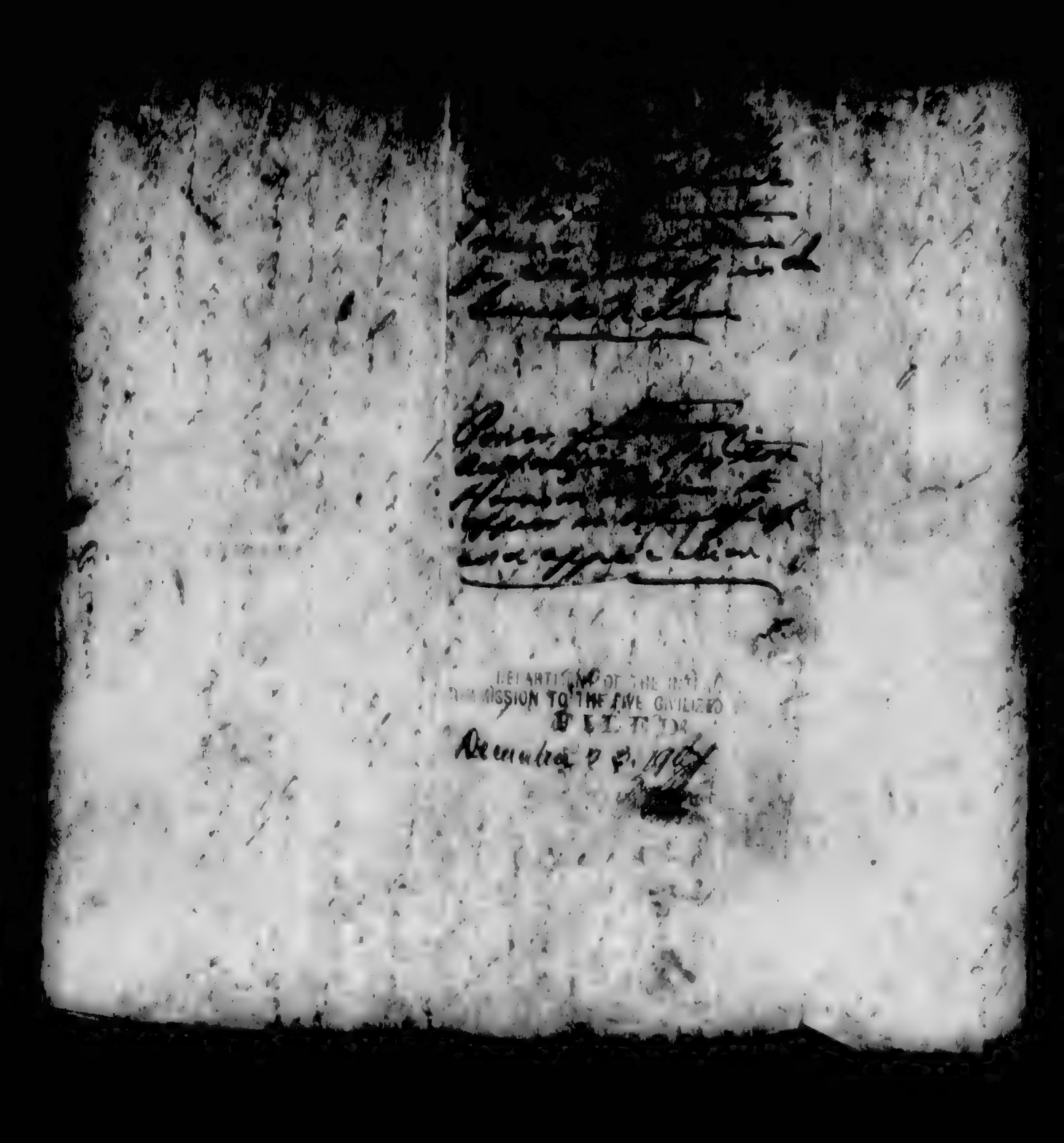
It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of Sarah Stevens, Wiley Stevens, and Moss Stevens, or any of them, as citizens by blood

[illegible]

[illegible]

C. H. [illegible]

Muskogee, Indian Territory,
MAR 21 1905



[illegible]
Western District

I, [illegible] of [illegible] Western District, [illegible] [illegible] [illegible] attorney, [illegible] Western District [illegible] [illegible] to [illegible] before the Commission [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Witness my hand this the 14 day of December, 1904.

Sarah Stephens

United States of America
Western District,
Indian Territory } S.S.

On this the 17 day of December, 1904, before me a Notary Public within and for the Western District of the Indian Territory, personally appeared Sarah Stephens, to me known to be the person whose name is subscribed to the above and foregoing instrument, and stated that she had executed the same for the purpose and consideration therein mentioned and set forth, and I do so certify.

Witness my hand and seal of office affixed hereto this the — day of December, 1904.

[signature] Bowers
Notary Public

My Commission expires July 17 1908.

POOR ORIGINAL - BEST AVAILABLE [illegible]

(Copy)

Land
4831-1903
78,330-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Dec. 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Pursuant to the directions contained in Department letter of November 24, 1903, -- I.T.D. 412, 9839 -- there is enclosed, herewith, the record relative to the application of Sarah Stevens, et al., for enrollment as citizens of the Creek Nation.

Very respectfully,

W.A.Jones,
Commissioner.

(G.A.W.) P.

J.P.
WHR.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

ITD 8584,9529-1903.
412,9839-1903.
LRS.

December 12, 1903.

The Commission
to the Five Civilized Tribes,
Muskogee, Indian Territory

Gentlemen:

January 21, 1903, the Department affirmed your decision in the Creek enrollment case of Sarah Stevens and her two children, Wiley and Mose Stevens, rejecting the application because it appeared that the parties had not been enrolled in the Creek Nation, or admitted to citizenship in said Nation.

November 16, 1903, Messrs. Thomas & Harrison, Muskogee, I. T., attorneys for said applicants, transmitted a motion for rehearing in the matter with affidavit attached served upon the attorney for the Creek Nation.

There is nothing in the motion to warrant granting a rehearing. It is not claimed that the names of any of the applicants appear upon the rolls of the Creek Nation, or that they have been admitted to citizenship therein, and while it is alleged that the principal applicant is the daughter of Wiley McGilbrey "a full blood Creek Indian and a duly enrolled and recognized citizen of the Creek Nation," there is nothing to show on what roll McGilbrey's name appears. Admitting, however, that his name may be on the 1890 roll, Sarah Stevens is shown to have been born long prior to that time. She is shown to be part Creek and part negro, her mother being Susie McGilbrey.

The motion is denied. As, however, it appears from section 294 of the Creek laws, 1893 edition, that Susie McGilbra and Sarah McGilbra, were admitted to citizenship in the Creek Nation in 1867, if the applicants' desire to present to your Commission and the Department any claim to citizenship through these citizens they are at liberty to do so, and you will so advise said attorneys.

Respectfully,

Signed Thos. Ryan,
Acting Secretary.

8813

No. 498.

Muskogee, Indian Territory, September 28, 1904.

Thomas and Foreman,

Attorneys for Sarah Stevens et al.,

Muskogee, Indian Territory.

Gentlemen:

In compliance with your verbal request there is inclosed one copy of the testimony in the matter of the application for the enrollment of Sarah Stevens et al., as citizens of the Creek Nation, Creek Case No. 498, including a copy of the testimony in her original application, Creek Memorandum Case No. 60.

Respectfully,

Chairman.

DCS. E-28/9.

Dr, Ap 498

Muskogee, Indian Territory, March 24, 1908.

Sarah Stevens,

Grayson, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Wiley and Rose Stevens, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the same, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Reinstored.
JYH-24-1.

Muskogee, Indian Territory, March 24, 1906.

W. A. Scott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah Stevens, et al. as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYH-24-8.

Dockets 488

Muskogee, Indian Territory, March 24, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sarah Stevens, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated March 21, 1905.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYM-24-5.

[illegible] April 1, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 24, 1905, transmitting the record of the application for enrollment as citizens by blood of the Creek Nation by Sarah Stevens for herself and her two minor children, Wiley and Mose Stevens.

March 21, 1905, the Commission decided adversely to the applicants.

The record shows that on November 13, 1902, application was made for the enrollment of these applicants and that on December 4, 1902, the Commission denied the applicants and the decision of the Commission was affirmed by the Department January 21, 1903; that on December 12, 1903, the Department denied a motion for review but stated:

" As, however it appears that Susie McGilbra and Sarah McGilbra were admitted to citizenship in the Creek Nation in 1867, if the applicants desire to present through the Commission and Department any claim to citizenship through these citizens they are at liberty to do so.

The record shows that Sarah Stevens was not more than thirty seven years old at the date of the application herein, and that she is the daughter of one Susan McGilbra; that in the list of persons admitted to citizenship in the Creek Nation by

the Creek Council in 1867, the name of Susie McGilbra appears as the nineteenth name in column 2 and the name of Sarah McGilbra appears as the fourth name in column 3. It does not appear from the record that the principal applicant herein is the Sarah McGilbra who was admitted in 1867, nor that her mother Susie McGilbra, is the Susie McGilbra who was so admitted. The record shows that none of the applicants is a full blood Creek Indian and no claim is made that the father of the minors is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the record that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY GENERAL.
Washington, July 27, 1906.

The Secretary of the Interior,

Sir:

I received by reference of June 28, 1906, with request for opinion thereon, the record in the application of Sarah Stevens for enrollment of herself and her minor children Wiley and Rose, born, respectively, July 25, 1897, and May 22, 1900, as citizens of the Creek Nation by blood.

The application was made on or prior to November 13, 1902, when a hearing was had before the Commission, and subsequent hearings were held, the last of which was June 24, 1904.

The evidence is very clear and satisfactory upon th e testimony of Captain McGilbray, Captain of the Creek Light-horse, David Harry, for sixteen years member of one or the other house of the Creek Legislative council, John Barnwell, and Tobe McIntosh all enrolled citizens of the Creek Nation by blood, that the principal applicant, Sarah Stevens, was born in the Creek Nation about 1867, or early in 1868, and has continuously lived there, her absences, if any there have been, being temporary and unimportant; that she is the daughter of Wiley McGilbray and his wife, Susie; Wiley was full brother of Captain McGilbray and was killed in the Creek Nation, April or May, 1868, soon after Sarah Stevens birth, and her mother died soon after, or as said by one witness, before their child could walk; Wiley McGilbray's name is identified on the Creek payment roll of 1867(page 74),

family 49, Tuskegee Canadian Town. In this family was listed Susannah. Sarah was cared for and sheltered for some years by a Creek Indian woman of mixed negro blood, named Nancy.

March 25, 1908 the Commission found:

The evidence shows that Sarah Stevens was not more than thirty seven years old at the date of the applicationherein, and that she is the daughter of one Susie McGilbra; that in the list of persons admitted to citizenship in the Creek Nation by the Creek Council in 1867, the name Susie McGilbra appears as the nineteenth name in Column I. and the name of Sarah McGilbra, appears as the fourth name in Column III. (Creek Law Book, page 102, 1893 edition.)
It does not appear from the evidence that the principal applicant herein is the Sarah McGilbra who was admitted by the Council in 1867, nor that her mother, Susie McGilbra, is the Susie McGilbra who was so admitted.

The evidence shows that none of the applicants are full blood Creek Indians and that no claim is made that the father of said minor children, Wiley Stevens and Mose Steven, is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants or any of them have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is therefore, the opinion of this Commission that there is no authority of law for the enrollment of Sarah Stevens, Wiley Stevens, and Mose Stevens, or any of them, as citizens by blood of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

The Commission erred in giving no attention or effect to the clear testimony of reputable and credible intelligent witnesses, apparently candid and wholly uncontradicted, that Sarah Stevens was the child of Wiley McGilbray, born of a woman to whom he was reputed to be married and with whom he cohabited and whom he recognized as his wife till his death after Sarah Steven's birth.

The Commission also erred in assuming that any evidence was

necessary to prove the identity of person of "Susie McGilbra" in the list of persons admitted as citizens of the Creek Nation in 1867 with Susie McGilbray, the principal applicant's mother. There is perfect identity of sound. The spelling in the official report of testimony is so far a matter of indifference as to leave it in doubt whether the proper spelling is McGilbra or McGilbray. In the report of the hearing of June 9 , the name is uniformly spelled McGilbra, and in the decision of March 21, 1905, whether referring to the names in the Creek Laws of 1892 to Wiley, the captain, Louisa their sister, or Susie. In the testimony of June 23 and 24, and proceedings of November, 1902, applied to the same persons, it is uniformly spelled McGilbray . No implication of want of identity can be drawn from the spelling. None can be based on the sound. It was held in Stebbins v. Duncan (108 U.S. 32,47), that:

In tracing titles identity of names is prima facie evidence of identity of persons. Brown v. Metz, 33 Ill.,339; Gates v. Loftus, 3 A.K.Marsh., Ky.,202; Gitt v.Watson, 18Mo.,274; Balder v. Donaldson, 2 Grant, Pa.,459; Bogue v.Bigelow,29 Vt., 179; Chamblee v.Tarbox, 27 Tex3,139; See Sewell v. Evans, 4 Adol. & Ellis (English K.B.), 626; Roden v. Ryde, ib.,629. There was no evidence that more than one John J.Dunbar lived at the date of the deed in Matthias County, Virginia, which the deed recites was the residence of the grantor, nor in the District of Columbia, where the deed was executed, and there was no other proof to rebut the prima facie presumption raised by the identity of names in the patent and deed.

There is no evidence in this record of any other Susie McGilb or McGilbray living in the Creek country in 1867, and in my opinion the prima facie presumption was sufficient evidence of the citizenship of the applicant's mother, as well as of her father.

I therefore regard it as established by the evidence that the principal applicant was born of parents both of whom were citizens of the Creek Nation; that she was born in the nation

to its allegiance, and was always living there.

The act of March 1, 1901, (31 Stat., 861,862), provided that:

All citizens who were living on the first day of April, eighteen hundred and ninety, shall, entitled to be enrolled under section twenty one of the act of Congress approved June twenty eighth, eighteen hundred and ninety eight . . . , shall be placed upon the rolls to be made by said Commission under said act of Congress.

The date of Sarah McGilbray's birth (now Stevens) is not fixed, so that it is not clear whether she was living at the date of the act of admission of Susie and Sarah McGilbray (section 294, Creek Laws 1893 Ed.) If she was, the presumption of identity arises. But if she was not then born, or was not born when her father was enrolled in 1867, and the evidence leaves that in doubt, she was born afterward to a father duly enrolled and to a mother fully recognized and duly enrolled, the record of admission being to all legal intent the enrollment of her mother. In either event, she was under the act of 1898, above referred to, required and entitled to be enrolled with her children.

Very respectfully,

Frank L. Campbell

Assistant Attorney-General.

Approved: July 21, 1905.

Thomas Ryan ,

Acting Secretary.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FEB

I.T.D.3636-1905
9018- "

July 29, 1905

JF

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory

Sir:

March 24, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Sarah Stevens for the enrollment of herself and her two minor children Wiley and Mose Stevens, as citizens by blood of the Creek Nation, including its decision of March 21, 1905, which was adverse to the applicants.

Reporting April 10, 1905, the Indian Office recommended that the Commission's decision be approved.

There is inclosed for your information a copy of the opinion of the Assistant Attorney General for this Department, rendered and approved July 21, 1905, relative to said case. In accordance with said opinion th e Commission's decision is hereby reversed, and you are directed to enroll the applicants as citizens by blood of the Creek Nation.

A copy of Indian Office letter of April 10th is inclosed.

Respectfully,

Thos Ryan
Acting Secretary

2 inclosures

Cr No 472

Muskogee, Indian Territory, October 25, 1905.

Sarah Stevens,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the name of yourself and the names of your minor children, Wiley and Rose Stevens, are contained in a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior October 17, 1905, and that application for selections of land in the Creek Nation for yourself and your said minor children may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

OF 490

Muskogee, Indian Territory, October 20, 1905.

Thomas A Foreman,

Attorneys for Sarah Stevens, et al.,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the name of Sarah Stevens and the names of her minor children, Wiley and Rose Stevens, are contained in a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior October 17, 1905, and that application for selections of land in the Creek Nation for said Sarah Stevens and minor children may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

8813

Mn. 499.

Muskogee, Indian Territory, August 3, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sam Smith as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Sam Smith will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGM-1-3-0

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 13, 1904.

In the matter of the application for the enrollment of Sam Smith as a citizen by blood of the Creek Nation.

APPEARANCE: M. L. Mott, att'y for Creek Nation.

MICKEY SMITH, being duly sworn, deposes and says:

Examination by the Commission:

Q What is your name? A Mickey Smith.
Q How old are you? A About 28.
Q What is your post office address? A Hassen.
Q Are you the father of Sam Smith? A Yes, sir.
Q Do you make application for his enrollment as a Creek by blood? A Yes, sir.
Q What is the name of his mother? A Aggie Smith.
Q Is she living? A Dead.
Q Is Sam Smith living? A Living.
Q When was he born? A October 26,
Q What year? A No response.
Q How old is he? A Over 3.
Q Will be four years old the 26th of October? A Yes, sir.
Q How old was he when his mother died? A About six months old.

The records of the Commission show that Mickey Smith is listed for enrollment on Creek Indian Card, Field No. 2534, and that his name is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 28, 1902, No. 7526.

The records further show that Aggie Smith is listed for enrollment on Creek Indian Card, Field No. 2532, and that her name is contained in the partial list of Creek Indians by blood approved by the Secretary of the Interior, March 28, 1902, No. 7523, and that she died May 10, 1901.

There have, herewith, been filed with the Commission affidavits relative to the birth of Sam Smith and the same are made a part of the record herein.

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D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs.

Subscribed and sworn to before me this 14th day of June, 1904.

Charles W. Sawyer
Notary Public.

No. 499.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sam Smith as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on June 13, 1904, Mickey Smith appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Sam Smith, as a citizen by blood of the Creek Nation.

The evidence shows that said Sam Smith was born October 26, 1900, and was living at the date of the application herein.

The evidence further shows that said Sam Smith is the child of Mickey and Aggie Smith, whose names are contained in the partial list of Creek citizens by blood, approved by the Secretary of the Interior, March 28, 1902, Nos. 7526 and 7523, respectively.

It is, therefore, the opinion of the Commission that said Sam Smith should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

Aug 3-1904

Creek Enr. 478

Muskogee, Indian Territory, January 11, 1905.

Penny Smith,

Tahlon, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Sam Smith, is contained in the partial list of Creek Citizens by blood approved by the Secretary of the Interior January 4, 1905, and that application for a selection of land in the Creek Nation may now be made for him at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

CA EU 500

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T. MAY 31, 1904.

In the matter of the application for the enrollment of Bunner Webster, deceased, as a citizen by blood of the Creek Nation.

APPEARANCE: M.L.Mott, Attorney for Creek Nation.

Jeff Webster being duly sworn, testified as follows through official interpreter, Alex Posey:

Examination by the Commission:

Q What is your name? A Jeff Webster.
Q How old are you? A Thirty.
Q What is your post office address? A Okmulgee.
Q Do you make application for the enrollment of Bunner Webster as a citizen by blood of the Creek Nation? A Yes sir.
Q Is he living or dead? A Dead.
Q Are you his father? A Yes sir.
Q What is the name of his mother? A Mattie.
Q Mattie is your wife, is she? A Yes sir.
Q You are both full blood Creek Indians? A Yes sir.

The records of the Commission examined and it appears that Jefferson and Mattie Webster are listed for enrollment on Creek Indian Card Field No. 1474 and that their names are contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior March 13,,1902, Nos. 4688 & 4689, respectively.

Q When was Bunner Webster born? A The 22nd of April, 1900.
Q When did he die? A September 30.
Q What year? A 1900.
Q Do you remember the circumstance of your coming to file on your allotment? A Yes sir.
Q Why didn't you file for this child then? A He says he didn't know at that time that he could file for the child; he says he didn't understand the regulations.

Examination by Mr. Mott:

Q When did you say Bunner Webster was born? A He says he meant to say April 21.
Q Is your wife, Mattie, living? A Yes sir.

Q Have you any other children? A No others.

By the Commission:

A birth affidavit and two death affidavits relative to the birth and death of Bunner Webster are made part of the record in this case.

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Henry G. Hains being sworn on his oath states tht as stenographer to tge Commission to the Five Civilized Tribeshe reported the above case May 31, 1904, and that this is a fullk true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 10 day of June, 1904.

Charles H. Sawyer

Notary Public.

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En. 899.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bunner Webster, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on May 31, 1904, Jefferson Webster appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his deceased child, Bunner Webster, as a citizen by blood of the Creek Nation.

The evidence shows that the said Bunner Webster was born April 21, 1900, and died September 30, 1900, and that he was the child of Jefferson and Mattie Webster, whose names are contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 13, 1902, numbers 4688 and 4689, respectively.

It is, therefore, the opinion of the Commission that said Bunner Webster, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the acts of Congress, June 28, 1898 (30 Stat., 495), and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
OCT 11 1904

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Muskogee, Indian Territory, October 13, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Bunner Webster, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Bunner Webster, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGH-1-10-12

Creek [illegible]

Muskogee, Indian Territory, January 11, 1905.

John Long,

Eufaula, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Selena Long, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1905, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

H W H

Commissioners:
[illegible],
[illegible],
[illegible],
Wm. O. Beall, Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Creek En. 500

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 11, 1905.

Jeff Webster,

Okmulgee, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Bunner Webster, is contained in a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1905, and that application for a selection of land in the Creek Nation may now be made for him at the office of the Commission at Muskogee, Indian Territory.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter under date of May 19, 1906 (I.T.D.8894,8704-1906), in reply to letter from this office of May 8, 1906, advising the Department of the cause for delay in granting Charlotte Hemmitt permission to select an allotment in the Creek Nation and stating that on January 13, 1906 decisions were rendered by the Commissioner to the Five Civilized Tribes in the matter of the consolidated applications for the enrollment of Charlotte and Clara Hemmitt and Lizzie Whitby as Creek freedmen and that said decisions were, on January 16, 1906, forwarded to the Department with the records in the case. It is stated that the records of the Department fail to show that the record in the matter of Charlotte and Clara Hemmitt has ever

reached either the Indian Office or the Department and this office is requested to transmit the record and the decision thereunder in this case to the Department for consideration and adjudication of the application for the enrollment of Lizzie Whitby, alleged sister of Charlotte Nemmitt.

In reply I have the honor to advise that the statement contained in letter from this office of May 5, 1906 to the effect that decisions in the matter of the consolidated applications for the enrollment of Charlotte and Clara Nemmitt and Lizzie Whitby as Creek freedmen, together with records in the case were forwarded to the Department on January 16, 1906, is an error; that the record in the consolidated application mentioned, together with decision of the Commissioner denying the application for the enrollment of Lizzie Whitby as a Creek freedman, were forwarded to the Department January 16, 1906 and that Charlotte and Clara Nemmitt being clearly entitled to enrollment, in accordance with the previous practice of this office in cases of a like nature, a decision was prepared under date of

Secretary S.

January 18, 1904 granting the application for the enrollment of said Charlotte and Clara Kemmitt and their names have been placed upon a partial schedule of Creek freedmen to be forwarded to the Department for approval. The record now before the Department in the matter of the application for the enrollment of Lizzie Whitby as a Creek freedman is identical with and the same as the record on file in this office in the matter of the application for the enrollment of said Charlotte and Clara Kemmitt. In this connection the attention of the Department is respectfully invited to letter from this office of current date in the matter of the application for the enrollment of Lesh and Minnie Red, both deceased, as citizens by blood of the Creek Nation, in reply to Departmental letter of May 19, 1906.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., August 31, 1903.

In the matter of the application for the enrollment of David Overton as a Creek freedman.

WILLIE OVERTON, after being duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A Willie Overton.
Q How old are you? A I will be 37 this coming November.
Q What is your post office? A Tallahatchee.
Q Were you ever called by any other name? A Yes, sir, Johnson.
Q What is your mother's name? A Jennie Morris now.

The records of the Commission examined and it appears therefrom that the witness is regularly listed for enrollment on Creek freedman card field No. 614, approved roll No. 2345, under the name of Willie E. Johnson.

Q For whom do you now make ap-lication for enrollment? A My son.
Q What is his name? A David Overton.
Q How old is he? A About 13 years old. He is past 13.
Q What is the name of his mother? A Lizzie. I don't know what name she goes by now. It is a hard name; I have it on this paper.
Q Let me see the paper. The name is Lizzie Whitby. A that is it.
Q Were you ever married to David's mother? A Yes, sir.
Q Did you get a license? A No sir.
Q Who married you? A Rev. Sam Solomon.
Q When were you married? A I don't know the year.
Q Were you married before this child was born? A Yes, sir.
Q Is Lizzie a citizen of the Creek Nation? A No sir.
Q Is she a states woman? A Yes sir.
Q Where does David reside? A At McAlester with his mother.
Q How long has she been living there? A A little over a year.
Q Where did she live before that? A She lived here in Muskogee until she went down there, I heard. I was away.
Q How long have you been away? A I was away 12 years on the 11th day of July.
Q Did you live with Lizzie until you went away? A No we separated pretty near two years before I went away.
Q Was David born before or after the separation? A He was born long before we separated.
Q Now, you say you have been away about twelve years? A Yes, sir.
Q And that you separated two years before you went away? A Yes, sir.
Q Well that would make it 14 years since you separated and you say David is 13 years old? A Well I have to guess at his age; I don't know exactly.
Q Where was David born? A Out here at a place called Point, on the Arkansas River.
Q Were you and Lizzie living together when he was born? A Yes sir.
Q Do you know whether or not any money has ever been paid for David ofas the Creek Nation? A Yes sir.
Q When was it A He got the $24 payment.
Q There was no $24 payment; there were $29 and $14 payments? A I think it was $24.

Q How old was he when this payment was made? A I don't know exactly.
Q Was that before you went away? A Yes sir; I drew the money for him. I took it up with Mr. Severs. I got a horse from Capt. Severs and took up the payment for David too.
Q To what town do you belong? A Arkansas Town.
Q Were you ever called Willie Morris? A I never have been called that as I know of.
Q Do you know a Bessie Morris? A No sir.
Q Do you know Francis Morris? A I got a sister named Frances.
Q Do you know Minnie, Robert, Manny, George, Johnie and Callie Morris? A Yes, sir.
Q Are they all brothers and sisters of yours? A Yes sir.

The 1890 authenticated tribal roll of the Creek Nation examined and the witness is identified thereon, Arkansas Town, No. 802, as Willie Morris, in the family of Jane Morris.

Q Did your mother ever have a child named Willie Morris? A No sir; I know she has not.
Q Did you get more than one order for the $29 payment for yourself and your son, David? A No sir.
Q I thought you said Severs got it? A I took it up with him.
Q Did you draw the money or did Severs draw it for yourself and boy? A He got it for both of us, yes sir.

The records of the Commission examined and it appears therefrom that the mother of the applicant is identified on the Dunn roll, No. 1375, as Jane Kernal.

Q Who has the custody of David now? A His mother.
Q Did your mother go by any other name in 1889 when the $29 payment was made? A I think she went by the name of Cook.

The 1890 authenticated tribal rolls of the Creek Nation examined and the 1895 pay roll of said nation examined, and the name of the child David Overton is not identified on either of said rolls.

The 1891 and the 1895 omitted rolls of the Creek Nation examined and David Overton not identified on either of said rolls.

The 1895 doubtful roll of said nation examined and the name of David Overton not identified on that roll.

Q Is David Overton living? A Yes sir he is living.

JENNIE MORRIS, after being duly sworn, testified as follows:

Q What is your name? A Jennie Morris.
Q How old are you? A I am not able to tell you.

Witness appears to be about fifty years old.

Q What is your post office? A Tallahassee.
Q Do you know Willie Overton? A Yes, sir.
Q Is he your son? A Yes, sir.
Q Was he sometime called Willie Johnson? A Yes sir.
Q Was he ever called Willie Morris? A No sir.
Q Has he a child named David? A Yes sir.
Q How old is that child? A I am not able to say; about 13 or 14 years old.
Q What is the name of David's mother? A Lizzie.
Q Were Willie and Lizzie married? A Yes, sir, the way they used to marry.

Q Did they live together as man and wife? A I don't know how long, but they lived together one or two or three or four years.
Q Was David born while they were living together as man and wife? A Yes sir.
Q How long after he was born until they separated? A I don't know.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you certain they were living together when David was born? A I know it.
Q How far did you live from them at that time? A A quarter or a half mile.
Q Is the child's mother living now? A Yes sir. She was a few days ago.
Q Does she have the custody of the child? A Yes sir.
Q Who has the child? A It is in her possession.
Q Do you know whether or not any money has ever been drawn from the Creek Nation for that child? A I know he drew for it one time, but the next time I heard that her step grandfather drew the payment for him.
Q What is his name? A Jim Hawkins.
Q Did your son Willie draw one payment for him? A Yes he drew it and turned it over to Capt. Severs, one payment he did. He bought a horse from Capt. Severs and turned over the payment of the boy and himself.
Q Was that the $29 payment of the $14 payment? A It was the $29 I think. There have been but two payments since the child was born. The first one for $29 was turned over to Capt. Severs. I remember Willie got the horse.
Q Has the child David Overton lived all his life in the Indian Territory? A Yes, sir.

INDIAN TERRITORY
WESTERN DISTRICT.

I, S. A./Apple, stenographer to the Commission to the Five Civilized Tribes, state on oath that I reported the proceedings had in the matter of the application of David Overton on August 31, 1903, and that the foregoing is a true and correct transcript of my stenogr aphic notes in said case.

Signed S A Apple

Subscribed and sworn to before me this September 3, 1903.

Signed Charles H. Sawyer
Notary Public.

I, D. C. Skaggs, on oath state thatthe above and foregoing is a full, true and correct copy of the original transcript now on file with the records of the Commission to the Five Civilized Tribes.

D C Skaggs

Subscribed and sworn to before me this 1st day of August, 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JUNE 4, 1904.

In the matter of the application for the enrollment of Charlotte and Clara Hemmitt as Creek Freedmen.

APPEARANCE: M.J.Mott, Creek attorney.

Charlotte Hemmitt being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Charlotte Hemmitt.
Q How old are you? A Thirty three.
Q What is your post office address? A Grayson.
Q Do you make application for enrollment as a Creek freedman? A Yes sir.
Q You also want to apply for a child of yours named Clara Hemmitt? A Yes sir.
Q How old is Clara? A Twelve.
Q What is the name of Clara's father? A Henry Hemmitt.
Q Is he a citizen of the Creek Nation? A No sir he is a citizen of the Cherokee; he is supposed to be; they haven't their right proven yet.
Q Has he made application for Clara to be enrolled over in the Cherokee Nation? A No sir he hasn't.
Q Has application been made to have you enrolled as a citizen of the Cherokee Nation? A No sir.
Q Where do you live? A Out at Grayson. City, at my father's.
Q Do you live in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A I have been in the Creek Nation out of the Choctaw Nation about 6 months.
Q Where did you live before that? A In Choctaw Nation.
Q How long did you live in the Choctaw Nation? A A little over 2 years.
Q Where did you live before that? A In the Creek Nation here in Muskogee and went back to the Choctaw Nation.
Q Where were you born? A In Texas.
Q How old were you when you came to the Creek Nation? A I think mama said I was about three months old when I came out here.
Q Well, you lived in Indian Territory ever since then? A Yes sir.
Q What is the name of your father? A Jim Hawkins.
Q Is he a citizen of the Creek Nation? A Yes sir.
Q To what town in the Creek Nation does he belong? A Arkansas town
Q What is the name of your mother? A Mary Hawkins.
Q Is she living? A Yes sir.
Q Is she a citizen of the Creek Nation? A No sir.
Q Is she a citizen of any nation in Indian Territory? A No sir.

Q She is a state woman is she? A Yes sir.
Q Have you any full brothers and sisters? A Yes sir.
Q What are their names? A Mary Ann she 's dead; and Queen, she's dead;Moses; he's dead; that's all dead. Jane and my sister Lizzie here and brother Hector and Harry and Carrie and Henrietta and Vicky.
Q Did you ever draw any money from the Creek Nation? A My papa drew for me. I never drawed for myself; he drawe for all of us and he said he drawed for me.

Records of the Commission examined and it appears that James Hawkins, father of the applicant, is listed for enrollment on Creek Freedman card Field No. 155 and that his name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, No. 565; his name is found on the 1890 authenticated tribal roll of the Creek Nation, page 36, Arkansas town, and he is also identified on the 1895 payroll of the the Creek Nation, Arkansas town; on the 1890 roll in the family of James Hawkins appe rs the name of Charlotte Hawkins with the following notations in pencil: "Not paid. U. S."

Q Have you been married more than once? A No sir, just once.
Q Your name has never been anything but Hawkins and Hemmitt? A That's all.

The 1895 pay roll and the 1895 omitted roll of the Creek Nation examined and the name of neither of the applicants found thereon; the 1895 pxxxxxix doubtful roll of the Creek Nation examined and the name of the applicant not found thereon;

January 19, 1904, James Hawkins, father of the applicant, appeared before the Commission and submitted testimony in the Creek enrollment case No. 358, James Hawkins, et al., and among others, the following questions were asked and answers given:

"Q. Who is Charlotte Hawkins? A That's one of my daughters.
Q Well, you didn't name her? A No sir, I didn't name her but she ix lives at McAlester.
Q Is she living? A Yes sir;the last time I seed her;she was up here two weeks ago; she goes by Charlotte Hemmitt now; Henry Hemmitt was her husband.
Q Has she been enrolled by the Commission? A No sir she hasn't enrolled.
Q What's the matter? A I can't tell what the matter is;she was off from home.
Q Did you ever have any other Charlotte Hawkins in your family? A No sir."

Q Is your child Clara living? A Yes sir.
Q She lives with you? A Yes sir.
Q Where is your husband? A He is here in town.
Q Where does he live? A We are separated; he stays with the folks now.
Q How long have you been separated? A About 6 months.
Q Who has charge of the child, Clara? A I have charge of it.

Examination by Mr. Mott.

Q Why haven't you made application before? A Well, I just kept putting it off till papa got after me and told me I better do it if I wanted to file.

Q Were you married when your oldest child was born? A Yes sir.
Q Where was it born- in the Nation? A Yes sir, in the Creek Nation
Q You say your father drew money for you before? A Yes sir.
Q Paid it to you? A No sir, didn't pay it to me.
Q Have you any children between the oldest one and this one? A No sir, just the two.
Q How old is this one? A Going on 8 months old.
Q You have never been out of the Territory till that one time you were out in the Choctaw Nation? A No sir; only just visiting. I used to work for Roberts and they used to carry me out visiting.
Q You have never been out of the Nation more than 2 months at a time besides that? A No sir.

By the Commission:

The Creek Law book 1893 examined and on page 102, the name of James Hawkins is found, and it appears that he was admitted to citizenship in the Creek Nation in 1867; the card of James Hawkins, fathe of the principal applicant herein, shows that he was admitted to citizenship in the Creek Nation by the Council in 1867. The principal applicant herein does not appear to have been admitted to citizenship at that time. The applicant is advised that it will be necessary for her father to appear before the Commission and submit testimony in this case.

In the matter of the application for the enrollment of Lizzie Whitby and David Johnson as Creek Freedmen.

Lizzie Whitby being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Lizzie Whitby.
Q How old are you? A I will be 35 years old the 4th of July.
Q What is your post office address? A South McAlester.
Q Have you a son for whom yourwish to make application? A Yes sir, David Johnson.
Q How old is he? A Going on 18 years old.
Q Is he living? A Yes sir.
Q You make application for the enrollment of yourself and son as Creek freedmen, do you? A Yes sir.
Q Where do you live? A South McAlester.
Q Is that in the Choctaw Nation? A Yes sir.
Q How long have you lived there? A Four years off and on.
Q Has that been your home four years? A No sir; here.
Q Domyou keep house down there? A Yes sir.
Q Where were you born? A In Texas.
Q How old were you when you left Texas? A I don't know exactly; I think about as near as my mother told me and I can recollect I was going on 2 years old when they brought me here.
Q Have you lived in Indian Territory ever since you werebrought here from Texas? A Yes sir.

Q Never lived anywhere outside of the Territory? A No sir.
Q Are you married? A Yes sir.
Q Have you been married more than once? A Yes sir.
Q How many times have you been married? A Twice.
Q What was the name of your first husband? A Willie Johnson; he is living.
Q Is he a citizen of the Creek Nation? A Yes sir.
Q Has he been enrolled and got his land? A Yes sir.
Q Is he the father of this by of yours? A Yes sir.
Q Did he have the boy enrolled? A Yes sir. I don't know wether he he did or not: I asked him - he said he was going to and that's all I know about it.

The records of the Commission examined and it appears that application has heretofore been made for the child, David Johnson under the name of David Overton, enrollment case #364, and further proceedings regarding said child will not be had in this case. ~~A copy of the testimony in the matter of the application for the enrollment of David Overton is made part of the record herein.~~

Q Your first husband states in his testimony, when he made application for the enrollment of David that you were not a citizen of the Creek Nation; that you were a state woman. A Indeed I am not a state woman; I was born in the States; my father is a Creek citizen.
Q What is the name of your father? A Jim Hawkins.
Q He is living, is he? A Yes sir.
Q A citizen of the Creek Nation? A Yes sir.
Q Are you a full sister of Charlotte Hemmitt? A Yes sir.
Q Same father and same mother? A Yes sir.
Q What is the name of your mother? A Mary ~~XXXXXXX~~ Hawkins.
Q Was she a citizen of the Creek Nation? A No sir.
Q How long has it been since you married Willie Johnson? A I can't tell.
Q How long before David was born? A About 14 months.
Q What was your name when the $29 payment was made? A Hawkins.
Q Well, that's only been fourteen years ago. A No sir, I was Willie's wife then.
Q Do you know whether you were ever admitted to citizenship in the Creek Nation or not? A No sir, I don't know; only except that my father told me he said he was going to take us on down here and he said he drawed too.

The Creek Law Book, 1893, examined, page 102, and immediately following the name of James Hawkins appears the name of Lizzie Hawkins; a mark has been drawn across the name Lizzie with pencil and "Thos." in pencil inserted. There is nothing to indicate when the mark was drawn across the name or when the notation was made.

The 1890 authenticated tribal roll of the Creek Nation and the 1891 omitted roll of same examined and the applicant not identified on either of said rolls, neither is she identified, at the present time, on the 1895 roll. She is advised that it will be necessary for her father to appear in this case and submit testimony.

Examination by Mr. Mott:

Q Why haven't you applied before? A I just thought papa would fix it;he said we was all right.
Q Well, did you learn different? A Since I get these letters from my lawyers.
Q Have you lived in Indian Territory ever since you came here from Texas when you was two years old? A Yes sir.
Q Have you been out of the territory? A Yes, but not long.
Q How long? A Went to Parsons to Mrs. Captain Kitchen; just when she went away I went with them; just traveled around and nursed people.
Q When did you separate from your first husband? A It was when he was sent to the pen.
Q Have you a divorce from him? A I was married by Creek law; just preacher married- no license.

Order by Commission:

(This case is consolidated with the case of Charlotte Hemmitt et al.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case June 4, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 10th day of June, 1904.

Charles W. Hanson

Notary Public.

En: 501.

[redacted]

In the matter of the application for the enrollment of Charlotte [redacted], as a [redacted] Freedmen.

James Hawkins being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James Hawkins.
Q What is your age? A Sixty.
Q What is your post office address? A Grayson.
Q Do you know Charlotte Hemmitt? A Yes sir.
Q Is she kin to you? A Yes sir.
Q What kin is she? A My daughter.
Q What was the name of her mother? A Mary Hawkins.
Q Was Mary Hawkins a citizen of the Creek Nation? A Yes sir.
Q She was a [redacted] woman, was she? A Yes sir.
Q Where was Charlotte born? A In the Creek Nation.
Q You were admitted to citizenship by the Creek council in 1867, were you? A Yes sir.
Q Was Charlotte born at that time? A No sir.
Q Born after that? A Yes sir.
Q You have never drawn any money for Charlotte have you? A Well, I give in all the childrens' names when, I went up there to draw but if they missed her its their fault; I just calledthe names out.
Q Now, on the 1890 roll-- that is the $29 payment-- the name of Charlotte [redacted] appears in that family but there is a note oppo ite her name which says "not paid". A I don't know that for I give in all the names when I went up there.
Q Were you and Charlotte's mother married? A Yes sir, I brought her from the States.
Q Have you always recognized Charlotte as your child? A Yes sir.
Q Have you a daughter named Li zzie Whitby? A My wife had.
Q She was not your child? A No sir; she is living at McAlester.
Q What was Lizzie's father's name, do you know? A Charley Wright.
Q He was a state man, was he? A Yes sir.
Q What was the name of her mother? A Mary Wright at that time. Mary Hawkins now.
Q She is the same woman that was Charlotte's mother? A Yes sir.
Q She is a state woman? A Yes sir, I brought her from Texas.
Q Did you ever have a child named Lizzie? A No sir.
Q Was there ever anybody in your family named Lizzie? A None but my step-daughter.
Q None but Lizzie Whitby you mean? A Yes sir.
Q Did you ever have any named Thomas? A No sir.
Q Anybody in your family named Thomas? A No sir.
Q Did you ever know anybody by the name of Lizzie Hawkins? A No sir not in my family.

[redacted]

Ex 501

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Charlotte and Clara Hemmitt as Creek Freedmen.

DECISION.

The record in this case shows that on June 4, 1904, Charlotte Hemmitt appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Clara Hemmitt as Creek Freedmen.

Further proceedings in the matter of said application were had on July 16, 1904.

The application for the enrollment of Lizzie Whitby, referred to in the testimony herein, will be considered in a separate decision.

The evidence shows that Charlotte Hemmitt is identified on the 1890 authenticated tribal rolls of the Creek Nation and that she is not identified on the 1895 Doubtful Roll of said Nation; that Clara Hemmitt is the minor child of said Charlotte Hemmitt and was born prior to April 1, 1899, and living at the date of the application herein.

It is, therefore, ordered and adjudged that said Charlotte Hemmitt and Clara Hemmitt are entitled to be enrolled as Creek Freedmen, in accordance with the provisions of the acts of Congress of June 28, 1898 (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for their enrollment as such is accordingly granted.

Muskogee, Indian Territory,
July 16, 1904.

Commissioner.

Ex. 338.

Muskogee, Indian Territory, September 15, 1904.

Charlotte Hamlett,

[redacted], Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of September 8, in which you ask to be informed as to the date you shall appear before the Commission for the purpose of filing on your allotment.

In reply you are advised that your application for enrollment as a citizen of the Creek Nation has not, as yet, been acted upon by the Commission.

You will be duly advised of any action taken in your case.

Respectfully,

Chairman.

Ex. 888.

Muskogee, Indian Territory, October 1, 1904.

Charlett Hawkins,

Haskell, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of September 23, relative to an application stated to have been made by you about three months ago.

In reply you are advised that it does not appear that an application has been made to the Commission for the enrollment of Charlett Hawkins. It does appear that Charlotte Hemmitt, daughter of James Hawkins, made application for enrollment as a Creek Freedman June 4, 1904. It is believed that you and Charlotte Hemmitt are one and the same person.

No decision has been rendered in that case, by the Commission. When that case is disposed of said Charlotte Hemmitt will be duly notified.

Respectfully,

Chairman.

No.661

Muskogee, Indian Territory, August 18, 1906.

Charlotte Hemmitt,

Tulsa, Indian Territory.

Dear Madam:

Receipt is acknowledged of your communication of August 16, 1906, in which you inquire as to the status of the matter of your application for enrollment as a citizen of the Creek Nation.

It is presumed from the contents of said letter that you are the same person as Charlotte Hemmitt for whom application for enrollment was made June 4, 1904.

In reply you are advised that said case is pending before this office and that it does not at this time appear that further evidence will be required.

Respectfully,

Acting Commissioner.

Ex 501

Muskogee, Indian Territory, January 16, 1906.

Mrs. Lizzie Whitby,
South Mcalester, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Commissioner.

JYK-16-5

Cr #301

Muskogee, Indian Territory, January 16, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings in the matter of the application for the enrollment of Lizzie Whitby as a Creek Freedman, including the decision of the Commissioner to the Five Civilized Tribes, dated January 13, 1906.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

JYB-16-7

[redacted]

[redacted], Indian Territory, January 18, 1906.

M. L. Mott,
Attorney for the Creek Nation,
[redacted], Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Charlotte and Clara Hemmitt as Creek Freedmen.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Charlotte and Clara Hemmitt, and if, at the expiration of said time, no protest has been filed, their names will be regularly listed for enrollment as Creek Freedmen.

Respectfully,

Commissioner.

JYM-16-8

DEPARTMENT OF THE INTERIOR,

I.T.D. 4297-1905. WASHINGTON. April 23, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 11, 1905, the Department referred to the Commission to the Five Civilized Tribes, by stamp, for report, a letter from Shorlett Himmitt, dated at Tulsa, I. T., May 5, 1905, complaining of delay of said Commission in granting her permission to file.

The records of this office do not show that the desired report has ever been received in this office, and you are again requested to forward the same, or advise when it may be expected.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, May 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of April 23, 1905 (I.T.D.4297-1905), stating that on May 11, 1905, the Department referred to this office, by stamp, for report, a letter from Sherlett Himmitt, dated at Tulsa, Indian Territory, May 3, 1905, complaining of delay of the Commission in granting her permission to file; that the records of the Department do not show that the desired report has been furnished and this office is requested to forward the same.

In reply I have the honor to advise that through inadvertence a report in this matter was not made to the Department but that in reply to said

communication from Charlotte Hemmitt a letter was addressed to her by the Commission, under date of May 24, 1906, to her postoffice address, Tulsa, Indian Territory, said letter reading as follows:

> "The Commission is in receipt of your letter of May 8, 1906, relative to your application for enrollment as a citizen of the Creek Nation.
>
> In reply you are advised that your enrollment is pending before the Commission, and as soon as action has been had in the matter you will be duly notified."

You are further advised that it appears from the records in possession of this office that on June 4, 1904, application was made by Charlotte Hemmitt for the enrollment of herself and her daughter, Clara Hemmitt, as Creek freedmen; that further proceedings were had in this matter on July 14, 1904; that on January 13, 1906, decisions were rendered by the Commissioner to the Five Civilized Tribes in the matter of the consolidated applications for the enrollment of Charlotte and Clara Hemmitt and Lizzie Whitby as Creek freedmen and said decisions were on January 16, 1906 forwarded

[redacted] to the Superintendent together with the Powers in the [redacted].

Respectfully,

Through the
Commissioner of Indian Affairs. Acting Commissioner.

GR.LIB.LRS.

No.20248.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, May 19,1906.

I.T.D.3694,3704-1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Replying to your communication dated May 5, 1906, advising the Department of the cause for delay in granting Charlotte Hemmitt permission to file an allotment for land in the Creek Nation, you state on page 2 thereof "that on January 13,1905, decisions were rendered by the Commissioner to the Five Civilzed Tribes in the matter of the consolidated applications for the enrollment of Charlotte and Clara Hemmitt and Lizzie Whitby as a Creek Freedmen and said decisions were on January 16, 1906, forwarded to the Department together with the records in the case," you are advised that inquiry at the office of the Commissioner of Indian Affairs and an examination of the records of the Department fail to show that the record in the matter of Charlotte and Clara Hemmitt has ever reached either the Indian Office or the Department, but examination of the record and your decision thereunder on January 13, 1906, in the natter of the application for the enrollment of Lizzie Whitby as a Creek freedman do not show that the cases of Charlotte and Clara Hemmitt and Lizzie Whitby were consolidated and decided together, but you expressly

stated in said decision that "The application for the enrollment of Charlotte and Clara Hemmitt as Creek Freedmen, referred to in the testimony herein, will be considered in a separate decision."

The Department again requested that the record and your decision thereunder in the case of Charlotte and Clara Hemmitt as Creek Freedmen be transmitted immediately to the Department for consideration and adjudication of the application for the enrollment of Lizzie Whitby, alleged sister to Charlotte Hemmitt.

Respectfully,

(Signed) Jesse E.Wilson,
Assistant Secretary.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs

Land
47213-1906

Washington. June 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of May 19, 1906, I.T.D. 8704, there is enclosed a report from the Commissioner to the Five Civilized Tribes dated May 29, 1906.

The Department on May 19, 1906, requested the Commissioner to the Five Civilized Tribes to advise the cause of delay in granting Charlotte Hemmitt permission to select an allotment in the Creek Nation.

On May 5, 1906, the Commissioner to the Five Civilized Tribes reported that on January 13, 1906, decisions were rendered by him in the matter of the consolidated applications for the enrollment of Charlotte and Clara Hemmitt and Lizzie Whitby as Creek freedmen, and that the records in the case were forwarded to the Department on January 16, 1906. The Department said that its records failed to show that the record in the case of Charlotte and Clara Hemmitt had been received by the Department, and that it had not been received in this office.

Mr. Bixby reports that what is said in his communication of May 5, 1906, to the effect that decisions in these cases had been rendered and that the records were forwarded to

the Department is an error; that the record in the consolidated application mentioned, together with the Commissioner's decision denying the application for the enrollment of Lizzie Whitby as a Creek freedman were forwarded on January 16, 1906; and that Charlotte and Clara Hemmitt being clearly entitled to enrollment, in accordance with the previous practice of his office in cases of like nature, a decision was rendered on January 13, 1906, granting the application for their enrollment, and their names have been placed on a partial schedule of Creek freedmen to be forwarded to the Department for approval.

He also says that the record now before the Department in the matter of the application of Lizzie Whitby for enrollment is identical with and the same as the record filed in his office with reference to the applications for the enrollment of Charlotte and Clara Hemmitt, and he invites attention to his communication of May 29 last concerning the applications for the enrollment of Leah and Minnie Red, both deceased, as citizens by blood of the Creek Nation.

The record in the case of Lizzie Whitby was forwarded to the Department with Office report of May 14, 1906, Land 6136 and it was recommended that the action of the Commissioner in rejecting the application be approved.

Very respectfully,

C.F.Larrabee
Acting Commissioner

GAW GH

Cr.Mu.801.

Muskogee, Indian Territory, June 26,1906.

Charlotte Hemmitt,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the names of yourself and minor child, Clara Hemmitt, are contained in the partial list of Freedmen of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that selections of land in the Creek Nation may now be made for yourself and minor child, at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. July 2, 1906.

GR
LLB

I.T.D.8694,11406-1906
LRS.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of May 14, 1906, the Department hereby affirms your decision of January 15, 1906, denying the application of Lizzie Whitby for her enrollment as a Creek freedman.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jesse E. Wilson
Assistant Secretary

1 inclosure.

I.T.D.4297-1906. GR.LLB,LRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

July 2,1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Complaint having been made direct to the Department by Charlotte Hemmitt, of Tulsa, Ind.T., about delay of your office in granting her permission to file on land as her allotment in the Creek Nation, and it appearing that the name of Charlotte Hemmitt and her daughter, Clara Hemmitt, appear opposite Nos. 5664 and 5665 on the roll of Creek Freedmen approved by the Assistant Secretary of the Interior June 16, 1906, you are requested to notify applicant that she will now be permitted to select an allotment of land for herself and daughter in the Creek Nation.

Respectfully,

Jesse E.Wilson,
Assistant Secretary.

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, July 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter under date of July 2, 1906, in which it is stated that complaint has been made to the Department by Charlotte Hemmitt of Tulsa, Indian Territory, about delay of this office in granting her permission to file on land as her allotment in the Creek Nation; that the name of Charlotte Hemmitt and her daughter, Clara Hemmitt, appear opposite Roll Nos. 5664 and 5665 on the roll of Creek Freedmen, approved by the Assistant Secretary of the Interior June 16, 1906, and this office is requested to notify applicant that she will now be permitted to select an allotment of land in the Creek Nation for herself and daughter.

In reply I have the honor to advise that the records of this office show that the communication of the Department under date of June 16, 1906, advising this office of the ap-

record of partial schedule of Creek Freedmen, upon which appear the names of Charlotte and Clara Kemmitt, was received [illegible] [illegible], and that, in accordance with the uniform practice of this office, said Charlotte Kemmitt was, on June [illegible], 1906, advised that her name and the name of her minor child, Clara Kemmitt, appeared on said schedule, and that selection of allotments in the Creek Nation "may now be made for yourself and minor child at the Creek Land Office in Muskogee, Indian Territory."

I have further the honor to advise that Charlotte Kemmitt appeared before this office on this date, produced the notice above referred to, and stated that she was not prepared at this time to make a selection of allotment for herself or for her said child.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, July 16, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of July 2, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 13, 1906, denying the application for the enrollment of Lizzie Whitby as a Creek freedman.

Respectfully,

Commissioner.

REFER IN REPLY TO THE FOLLOWING

.....

.....

.....

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 16, 1906.

Lizzie Whitby,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of July 2, 1906, affirmed the decision of the Commissioner to the five Civilized Tribes, dated January 13, 1906, denying your application for enrollment as a Creek freedman.

Respectfully,

Commissioner.

Gr.Jm.801.

Muskogee, Indian Territory, August 8, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of July 2, 1906 (I.T.D.8094,11406-1906), affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 13, 1906, denying the application for the enrollment of Lizzie Whitby as a Creek freedman.

There is inclosed herewith petition for rehearing in said cause filed with this office June 25, 1906.

The statements set forth in said petition as grounds for rehearing are merely general in character. It is stated "that the claimant has discovered new evidence which will establish her right to be a citizen of the Creek Nation.

It is not set out in said petition as to the nature of the newly discovered evidence desired to be

introduced, neither is any reason assigned for the failure to introduce such evidence in the former proceedings in said cause. Said petition does not show proof of service upon the attorney for the Creek Nation nor is same supported by affidavits.

In view of the facts in the case, I respectfully recommend that said petition for rehearing be denied.

Respectfully,

Through the
Commissioner of Indian Affairs. Commissioner.

AS-C

Refer in reply to the following:
Land: 58875-1906.
67028-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 28, 1906

C O P Y

The Honorable

The Secretary of the Interior.

Sir:

Referring to departmental letter of July 2, 1906 (I.T.D. 8694-11406-1906), affirming the decision of the Commissionerto the Five Civilized Tribes denying the application for the enrollment of Lizzie Whitby as a Creek Freedman, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated August 2, 1906, enclosing a petition for rehearing of this cause on the ground of newly discovered evidebce, in which the Commissioner recommends that the petition for rehearing be denied.

The record in the case is transmitted herewith.

Very respectfully,

F.E.Leupp,
Commissioner.

EWE-LC

I.T.D.8694-1906
15383

GR. LIB.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 8,1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 2, 1906, you transmitted a petition for a reopening of the application of Lizzie Whitby for enrollment as a Creek freedman, denied by the Department July 2, 1906 (I.T.D.8694).

Said petition is based upon newly discovered evidence, the nature of which is not set forth in said petition, which is unsupported by any affidavits, nor was a copy of said petition served upon the attorney for the Creek Nation prior to the filing thereof.

The original record clearly shows that the applicant, Lizzie Whitby, born in Texas, and brought to the Indian Territory when two years old, was the issue of Mary Wright by one Charley Wright, both parents being citizens of Texas. When Lizzie Whitby was five years old, her mother, Mary Wright, married James Hawkins, who was admitted to citizenship by the Creek Council in 1867, and whose name appears as a citizen of the Creek Nation in Creek Law Book, 1893, page 102. On the same page , second column, appears also the name of one Lizzie Hawkins.

Lizzie Whitby claims that her father was the above James Hawkins and attempts to show that she is identical with Lizzie Hawkins whose name appears upon the same page with that of James Hawkins in Creek Law Book, 1893, page 102.

James Hawkins, her alleged father, himself denied in his testimony taken before the Commission to the Five Civilized Tribes on July 14, 1904, that Lizzie Whitby is his child, but that his wife, Mary Hawkins, formerly Mary Wright, at the time of his marriage to her, had a child named Lizzie about five years old, whose father was Charley Wright, and that he never had a child named Lizzie.

It is clear that Lizzie Whitby is not entitled to enrollment as a freedman citizen of the Creek Nation. In accordance with your recommendation, said petition for a reopening is hereby denied, and the Department adheres to its decision of July 2, 1906 (I.T.D. 8694), denying the application of Lizzie Whitby for her enrollment as a Creek freedman.

Respectfully ,

Jesse E.Wilson,

Assistant Secretary.

COPIES IN REPLY TO THIS REFERENCE

Cr.Enr.501

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 25, 1906.

Lizzie Whitby,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 5, 1906, the Department denied the motion for reopening filed with this office June 25, 1906, in the matter of the application for your enrollment as a Creek freedman.

Respectfully,

Commissioner.

Cr.Enr.301

Muskogee, Indian Territory, September 28, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 8, 1906, the Department denied the motion for reopening filed with this office June 25, 1906, in the matter of the application for the enrollment of Lizzie Whitby as a Creek freedman.

Respectfully,

Commissioner.

CR EN 502

CR EN 502

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 17, 1904.

In the matter of the application for the enrollment of Sam Cobb, deceased, as a Creek Freedman.

APPEARANCES: M. L. Mott, Att'y for Creek Nation.

Silla Hawkins, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Silla Hawkins.
Q How old are you? A I don't know.
Commission: Applicant looks to be about 30 or 35 years of age.
Q What is your post office? A Clarksville.
Q Do you make application for the enrollment of Sam Cobb as a Creek Freedman? A Yes, sir.
Q Is he living or dead? A Dead.
Q Is he your son? A Yes, sir.
Q About how old was he when he died? A About 15.
Q Do you know when he died? A No, sir.
Q Do you know the year in which he died? A No.
Q How long has he been dead? A Going on four years.
Q What time the year did he die? A I don't know, sir.
Q Spring, summer or fall? A Fall.
Q Cool weather? A Yes, sir.
Q To what town did he belong? A He belonged to the Arkansas Town.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Did you raise that boy? A No, sir, grandma raised him.
Q What is her name? A Sallie Perryman.
Q Were you living with your grandmother when that child was born? A Yes, sir.
Q Did that boy live with her all his life? A Yes, sir, until she died, then I taken him home.
Q How long did he live with you before he died? A He was sick when I brought him home.
Q Did Sallie Perryman have a daughter named Mandy? A Yes, sir.
Q Do you know Robert Smith? A Yes, sir, that's my brother.
Q Did he live with Sallie Perryman? A Yes, sir.
Q Did your grandmother have any one else living with her beside Sam Cobb? A No, sir, just my brother and me.
Q He was the only Sam in the family? A Yes, sir.

William Hawkins, being duly sworn, testified as follows:

By Commission:

Q What is your name? A William Hawkins.
Q How old are you? A About 40.
Q What is your post office? A Tallahassee.
Q Do you know Silla Hawkins? A Yes, sir.
Q Do you know a boy of hers named Sam Cobb? A Yes, sir.
Q Is he living or dead? A Dead.
Q Did he die at her house? A Yes, sir.
Q How far did you live from them at that time? A About 4 miles.
Q You are well acquainted with the family? A Yes, sir, I know her family. Her husband is my brother.
Q Her husband your brother? A Yes, sir.
Q When did that boy die? A He died about 1900, some wheres along in there.

Q You don't know how long it has been since he died? A No, sir.
Q Did he die before Robert Smith or after? A I disremember which died first.
Q You a citizen of the Creek Nation? A Yes, sir.
Q Had you filed on your land when this boy died, Sam? A Yes, sir.

The 1880 Authenticated Tribal Roll of the Creek Nation examined and Sam Cobb identified thereon at page 31, Arkansas Town, in the family of Sallie Perryman, under the name of Sam Capo.

The 1895 Pay Roll of the Creek Nation examined and Sam Cobb identified thereon ~~in Arkansas Town~~, No. 418, in the family of Sallie Perryman, under his proper name.

Silla Hawkins re-called:
Q What is the reason you have not made application to have this boy enrolled before now? A I thought grandma had him enrolled.
Q How long your grand-mother been dead? A She been dead about six years, since she been dead.
Q Did your grandmother file on her land before she died? A No, sir

Reference is made to Creek Freedman Card, Field No. 478.

Q Were you living with her at the time the Creek Land Office opened? A No, sir, I don't know. I heard talk about it.
Q Are you positive she was dead before it opened? A Yes, sir, she was dead.
Q Is Mandy Harred a daughter of Sallie Perryman? A Yes, sir.
Q Do you think that Mandy Harred would know when her mother died? A Guess so.
Q Was Mandy living with her when she died? A No, sir.
Q Where was Mandy living then? A She was staying about two miles from there.

William Hawkins re-called:
Q Did you know Sallie Perryman? A No, sir. Just hear of her when I was a boy.
Q You don't know when she died? A No, sir.

By M. L. Mott:
Q Do you know near about the time she died? A No, sir.

Silla Hawkins re-called:

By M. L. Mott:
Q Which died first your grandmother, Sallie Perryman, or the boy?
A Grandma died first.
Q How long before? A I don't know sir.
Q Well, about how long? A I don't know, sir.
Q Do you know when the land office opened? A No, sir.
Q Did you hear them talk about it? A Heard some talk.
Q How do you know Sallie Perryman has been dead six years? A I guess she has.
Q How long had she been dead when the boy died? A I don't know, sir.
Q Was the boy living with her when she died? A Yes, sir.
Q And then did you take the boy home? A Yes, sir.
Q He left your grandmother when she died did he? A Yes, sir. He was staying with my brother.
Q Was your brother living with your grandmother? A Yes, sir.
Q How long did you say he stayed there before you took him home?
A He stayed about a year.
Q How long he live with you before he died? A He did not stay very long he was sick and died about three months after I brought him home.

Q You certain that the boy lived with your brother a year before you brought him home? A Yes, sir.
Q Did you go to Sallie Perryman's burial? A No, sir, I was sick.
Q Do you know when she died? A No, sir, I heard about it.
Q Were you home? A Yes, sir, I was sick in bed.
Q Is there any body that is kin to you that knows when this boy died? A Yes, sir, lots of them.
Q Can you bring other witnesses here that knew when he died? A Yes, sir.
Q Can you get other witnesses that know when Sallie Perryman died? A I guess I could.
Q Do you know any that lived there when she died? A Billy Bank.
Q Who else? A William McIntosh.
Q Who else? A That is about all.
Q Were they neighbors? A Yes, sir.
Q How close did they live to them? A About a mile.
Q And the daughter lived about two miles? A Yes, sir.
Q How far does she live from where she was when your grandmother died? A She lives about two miles.
Q Those two men you say were there when Sallie Perryman died, they live there now? A Yes, sir.
Q What is their post office? A I don't know sir.
Q What is your post office? A Clarksville.
Q You live right close to them don't you? A No, sir.
Q How far? A I don't know, sir.
Q Two miles? No response.

William Hawkins re-called:

By Commission:
Q Is Sillie Hawkins considered a woman of fairly strong mind? A She has good common since.
Q Does your brother keep an account of dates? A I don't think he does.
Q You filed on your land soon after the land office opened? A Yes, sir.
Q You filed about ten or fifteen days after it opened? A Yes, sir.
Q And you are confident that he was living when you filed? A Yes, sir. They lived on their old place over about Sodom.
Q How far did they live from you? A About four or five miles.
Q There has been all along frequent communication between your family and your brother? A Yes, sir. I sat up with them at the time he died.

---oooOOOooo---

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 17th day of June 1904.

Chas. D. Jennings

Notary Public.

22.

IN RE
THE DEATH OF

Sam Cobb

a citizen of the

Creek Nation.

Approved 1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1904

Chairman

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Dan Cobb (Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Claremore (Here insert name of post office.), Ind. Ter., and died on the day of ,
1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY.)
Western District. }

I, Lilla Hawkins on oath state that I am about 25
years of age and a citizen, by Adoption, of the Creek Nation;
that my post office address is Claremore (Here insert name of post office.), Ind. Ter.; that I am
mother of Dan Cobb (Here insert name of deceased.),
(State relationship, as: the father; an uncle; a cousin, etc.)
who was a citizen, by Adoption, of the Creek Nation;
and that said Dan Cobb (Here insert name of deceased.) died on the day of
during the year , 1900

WITNESSES TO MARK:
(Must be Two Witnesses) { J. J. Beavers

her
Lilla x Hawkins
Mark

Subscribed and sworn to before me this 17 day of June 1904.
My Commission Expires January 19th 1908.
Wm. G. Martin Jr
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY.)
Western District. }

I, William Hawkins, on oath state that I am 40
years of age, and a citizen, by Adoption, of the Creek Nation;
that my post office address is Tallaka Zone (Here insert name of post office.) Ind. Ter.;
that I was personally acquainted with Dan Cobb (Here insert name of deceased.)
who was a citizen, by Adoption, of the Creek Nation;
and that said Dan Cobb (Here insert name of deceased.) died ~~on the day of~~
after April 1, 1899

WITNESSES TO MARK:

William Hawkins

(Must be Two Witnesses) }

Subscribed and sworn to before me this 17 day of June 1904
My Commission Expires January 19th 1908.
Wm. G. Martin Jr
Notary Public.

In re [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sam Cobb, deceased, as a Creek Freedman.

DECISION.

The record in this case shows that on June 17, 1904, Silla Hawkins appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of her deceased child, Sam Cobb, as a Creek Freedman.

The evidence shows that said Sam Cobb is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and the 1895 Pay Roll of said Nation; that he died subsequent to April 1, 1899; and that he was about fifteen years old at the time of his death.

It is, therefore, the opinion of the Commission that said Sam Cobb, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
OCT 11 1904

Dn. 603.

Muskogee, Indian Territory, October 12, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sam Cobb, deceased, as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Sam Cobb, deceased, will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner in Charge.

WGH-7-10-12.

Creek No. [illegible]

Muskogee, Indian Territory, January 4, 1905.

[illegible] Hawkins,

Clarksville, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Sam Cobb, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior December 24, 1904, and that application for allotment of land for said child may now be made at the office of the Commission at Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 503

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 22, 1904.

In the matter of the application for the enrollment of James Perryman as a Creek Freedman.

APPEARANCES: M. L. Mott, Att'y for Creek Nation.

Linda Manuel, being duly sworn testified as follows:

By Commission.

Q What is your name? A Linda Manuel.
Q How old are you? A About 28, I reckon.
Q What is your post office? Twine.
Q Do you now make application for the enrollment of James Perryman as a Creek Freedman? A Yes, sir.
Q You his mother? A Yes, sir.
Q What is the name of his father? A Grant Perryman.
Q Are you a citizen of the Creek Nation? A yes, sir.

The records of the Commission examined and it appears that Linda Manuel is listed for enrollment on Creek Freedman Card, Field No. 710, and that her name is contained in the partial list of Creek Freedman, approved by the Secretary of the Interior March 28, 1902, Roll No. 2753.

Q When was James Perryman born? A This last April three years ago.
Q What day of the month? A The fourth.
Q Is James Perryman living? A Yes, sir.
Q Is that the boy you have here with you? A Yes, sir, that's the boy.
Q Did you have a child named Clyde Perryman? A Yes, sir.
Q Was he older than James? A Yes, sir.
Q How much older? A About one year older I guess. I disremember how much older he is than James.
Q When was Clyde born? A Clyde born in November.
Q How old would he have been next November if he was living? A He would have been five years old.
Q You say that Clyde is about one year older than James? A Yes, sir, I think he is a year older, I am not certain.
Q Born close together were they? A Yes, tolerable close.

The records of the Commission examined and it appears that Clyde Perryman was born November 6, 1899.

By M. L. Mott:

Q This child three years old this last April? A Yes, sir.
Q When was he born? A The fourth of April.
Q What year? A He was born 1902. This last April makes him three years old.
Q Born 1902 and this last April makes him three years old? A I guess that's so.
Q You want to correct that? A I don't know that it is that, but I know that last April makes him three years old.
Q You ought to know how old he is if you know when he was born? A I know how old he is.
Q When would he have to be born to be eligible to allotment? A I don't know, sir.
Q Any body told you? A No, sir.
Q You asked any body? A No, sir, I aint asked any one.
Q Suppose you had a child six months old, do you think it would get an allotment? A No, sir.

Why? A I couldn't tell why.
Q Because he is too old or too young? A I don't know, sir.
Q You swear that you have not heard? A They say the young ones
Q Why can't you file for that dominicating child in Witness's name) ?
A I couldn't file for this one.
Q Why couldn't you? A I don't know sir.
Q Have you not asked? A No, sir.
Q You swear you have not heard why you couldn't file for this one?
A Too young I guess.
Q Why did you make application for James? A I made application for James because he is old enough to get the land.
Q You heard that? A Yes, sir.
Q They tell you how old he had to be? A No, sir.
Q Did you ask? A No, sir.
Q Did you want to know? A Yes, sir.
Q Don't you know other parents that have been filing for children?
A Yes, I filed for other child.
Q When? A I couldn't tell you.
Q Did you file for James? A No, sir.
Q Was James living when you filed for the other? A When I filed for Ally. She died before I filed and the Commission sent word to come.

By Commission:
Q You didn't file for Ally when you filed for yourself? A No, sir.
Q You remember of coming and filing for Ally? A Yes, sir, I filed for Ally last May.
Q You filed for Ally? A Yes, sir.
Q Was James born at that time? A Yes, sir.
Q Do you remember how old he was than? A I couldn't tell how old James was when I filed for Ally.
Q You are positive that he was living at that time? A Yes, sir, James was living.

By M. L. Mott:
Q Why didn't you file for James when you filed for Ally? A I filed for Ally last May.
Q Why didn't you file for James? Because I didn't know they'd consent.

By Commission:
The records of the Commission show that citizenship certificate was issued to Ally Perryman December 12, 1901.

By M. L. Mott:
Q Did you come here to file for Ally? A Yes, sir.
Q When you was down here to file for Ally in 1901James was living was he? A Yes, sir, that was last summer when I filed for Ally.
Q Did you have Jim with you when you come? A Yes, sir,I-----
Q When you filed for Ally? A Yes, sir.
Q 1901? A Filed last May.
Q You filed last May for Ally? A Yes, sir.
Q You live twelve miles from here? A Yes, sir.
Q You had James there with you when you filed? A Yes, sir.
Q You didn't come in there and make application for him because you didn't know whether you could or not? A Yes, sir.
Q What is the reason you didn't? A Because I thought there was plenty time.
Q You knew then that he had a right to? A I didn't know it, no, sir, I thought it.
Q You thought what? Thought the rest of them could get land James could.

Witness excused.

Amy Jackson, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Amy Jackson.
Q How old are you? A I couldn't tell you.
Q About how old are you? A About 50.
Q What is your post office? A Tulsa.
Q You a citizen of the Creek Nation? A Yes, sir.
Q Is York Jackson your husband? A Yes, sir.
Q You know Linda Manuel? A Yes, sir.
Q You know a child of hers, James Perryman? A Yes, sir.
Q How far you live from her? A About 2 miles.
Q How long you been living that close to her? A All my live nearly
Q Were you living there when James was born? A Yes, sir.
Q You were present when James was born was you? A Yes, sir.
Q Do you know when James was born? A April.
Q What year? A I couldn't tell you.
Q How old is James? A Three years old this last April.
Q Did you know a child of Linda Manuel named Clyde Perryman? A Yes, sir.
Q How much difference was there in the age of Clyde and James? A I couldn't tell you that.
Q What day of the month was James Born on do you know? A No, sir.
Q Do you know the day of the week he was born on? A Fryday I believe.
Q Have you a grandchild named Fredie Jackson? A Yes, sir.
Q How old is that boy? A Five years old.
Q When was he born, what month? A July.
Q Do you know the day of the month he was born on? A Fourteenth I think.
Q You say he will be five years old in July? A Yes, sir.

The records of the Commission show that Fredie Jackson, grandchild of the witness, was born July 14, 1899.

By M. L. Mott:

Q You any kin to that woman? (indicating Linda Manuel) A Yes, sir.
Q What kin? A Sister.
Q You know how old a child has to be for her to be able to make application for it? A No, sir.
Q Never have heard? A No, sir.
Q Do you know how old a child has to be to make application for enrollment? A No, sir, I don't know.
Q You never have asked? A No, sir.
Q Never heard any one say? A No, sir.
Q Don't know anything about it? A No, sir
Q Never heard any one say anything about it? A No, sir.
Q You heard her say the reason she didn't file, she couldn't? A Yes, sir.
Q You heard her say that she heard she couldn't? A No, sir.
Q Never told you that she had heard some people say that she could not file for this child? A No, sir.
Q Never asked you how old he was? A No, sir.
Q Didn't ask you if you knew the day he was born on? A No, sir.
Q She didn't know what you was going to say? A No, sir.
Q You didn't know what she was going to say? A No, sir.
Q She didn't know you was going to say it was last April but you didn't know what year? A No, sir.
Q You didn't know she was going to say it was last April but she didn't know the year? A No, sir.
Q She didn't know you was going to say that? A No, sir.
Q Never discussed it among yourselves at all? A No, sir
Q How come you to come up here? A She told me she wanted me as a witness.

Q Did you know that if this child was born before May 20, 1924 it could be enrolled? A No, sir.
Q You didn't know that when you said it was born about three years ago that it was just about thirty days before the child was one? A No, sir.

Witness excused.

Lisa McGilbery, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Lisa McGilbery.
Q What is your age? A Couldn't tell you.

Witness appears to be seventy-five years old.

Q What is your post office? A Twine.
Q You know Linda Manuel? A Yes, sir.
Q You know her child named James? A Yes, sir.
Q Do you know when James was born? A I couldn't tell you the day. I was there when James was born. I know he was born in April but don't know the day of the month.
Q How do you know he was born in April? A I was there.
Q Do you know a child of hers named Clyde? A Yes, sir.
Q When was Clyde born? A I don't know, sir.
Q How comes it you know then the date of the birth of James? A Because I was there.
Q Were you present when Clyde was born? A No, sir.
Q You don't know when Clyde was born? A No, sir, I don't know.
Q Do you know a child of hers named Ally? A Yes, sir.
Q Were you present when that child was born? A No, sir.
Q How old is that boy James? A He looks like he ought to be three.
Q How old is he? A Mister I don't want to tell no story.
Q Well I don't want you to tell no story? A That's all I know about it, April first.
Q You don't know what year? A No, sir.
Q You know how old he was last April? A To tell the truth I don't know.
Q About how much difference was there in this child's age and Clyde's age? A I don't remember.
Q Do you remember about how old Clyde was when James was born? A No, sir, Mister I don't know.

By M. L. Mott

Q What kin are you to her? (indicating Linda Manuel) A That's my niece.
Q The mother of James is your niece? A Yes, sir.
Q Now you want to tell the truth about this don't you? A Yes, sir.
Q You have been sworn? A Yes, sir, I have sworn to tell the truth.
Q You know what an oath is? A Yes, sir.
Q Do you know what will become of you if you don't tell the truth? A Yes, sir, I been in this world a long time and I don't want to be punished when I get old.
Q You have had children have you? A Yes, sir, had nine head.
Q What month was your first born in? A Now Mister to tell the truth I don't know.
Q You was there wasn't you? A Yes, sir, I had to be.
Q You said the reason that you knew James was born in April you was there? A Yes, sir.
Q Can you tell any month that any one of your children was born in? A No, sir, I douldn't tell that.
Q And you was there when all of them were born was you? A Yes, sir, course I was.
Q How close to her were you when Clyde was born? A I was in the neighborhood.
Q How far from her was you living when Clyde was born? A About a mile.

Q You heard about it didn't you? A Yes, I heard about it.
Q You knew she had a baby didn't you? A Yes, sir, but I wasn't there.
Q You knew that she was looking for it to be born didn't you? A No, sir, I couldn't tell you about that.
Q You know that it was born right after? A Yes, sir.
Q You don't know what month that was? A No, sir.
Q Well now, has she ever said anything to you about when James was born and about what you were going to say? A No, sir, she never.
Q She never said a word to you about it? A No, sir.
Q She didn't ask you what you knew? A No, sir.
Q She didn't ask you what you were going to say? A No, sir.
Q You never told her? A No, sir.
Q This is the first time you ever said anything about it? A Yes, sir.
Q You three have not talked about it at all? A No, sir.
Q When did she tell your that she wanted you to come here and testify? A To-day.
Q After she come to town? A Yes, sir.
Q Did you come to town together? A No, sir.
Q When did you come to town? A To-day.
Q What did she come? A She come after I did I guess.
Q She left home to-day? A I guess she did.
Q Didn't you know? A No, sir.
Q Did you know she was coming? A No, sir.
Q Didn't you hear that she was? A No, sir.
Q Was you subpoened as a witness? A No, sir.
Q Did you know the other was coming? A No, sir.
Q When did she come? A She come to-day.
Q Did you come to-day? A Yes, sir.
Q And she come to-day? A Yes, sir.
Q And you all live within a mile of each other? A They live a mile apart but I live about three miles from them.
Q But you lived about a mile when James was born? A No, sir.
Q How far did you live from her when James was born? No response.

By Commission:
Q Do you live at the same place that you did when James was born?
A No, sir.
Q How far did you live from Linda when James was born? A Mister I can't tell you that, it has been a good ways from her.

By M. L. Mott:
Q What month is this? A They call it June.
Q What is the month after this? A July, man.
Q You don't know how old Jim was? A I don't know how old he was but I would put him three years old.
Q What day of the month is this? A Now I don't know.
Q Do you know how old that child had to be before he could make application for enrollment? A No, sir, I don't know. Did for one.
Q Have heard it talked about? A No, sir.

By Commission:
Q What is the name of the child you spoke of? A Sallie Sango.
Q Has she got land for that child? A No, sir.
Q Child to young? A They claim it wasn't the right time to file for the child.

By M. L. Mott:
Q Died did it? A Yes, sir.
Q When did it die? A I don't know.
Q Were you a witness at that time? A No, sir.
Q Were you a witness here before? A No, sir

Q Has any body asked you since the day James was born until today what month James was born in? A No, sir.
Q Is there any other one of your children or grandchildren in what month you can say they were born? A No, sir.
Q Can you tell in what month any one of your children or grandchildren were born? A No, sir, that is the only grandchild I [illegible]
Q Can you tell in what month any of your children or grandchildren or nephews were born? A No, sir, I couldn't tell that. I [illegible] good book from them.

By Commission:
Q [illegible] other grandchildren that were born about the time James was? A No, sir, I can't remember none of them.

By M. L. Mott:
Q Do you know when this last child was born? (referring to child which Linda Manuel has in her arms) A No, sir.
Q Do you know what year it was born in? A No, sir, I don't know.

By Commission:
An affidavit heretofore filed with the Commission, relative to the birth of James Perryman, is made part of the record in this case.

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 13th day of June, [illegible]

Edward A. Lamy
Notary Public.

Ex. 803.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-------O-------

In the matter of the application for the enrollment of James Perryman as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on June 22, 1904, Linda Manuel appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, James Perryman, as a Creek Freedman.

The evidence in this case shows that said James Perryman was born April 10, 1901, and that he is the child of Linda Manuel. The records of the Commission show that the name of Linda Manuel is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, Roll No. 2753.

The evidence further shows that said James Perryman was living at the date of the application herein.

It is, therefore, the opinion of this Commission that the said James Perryman should be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

.....

Muskogee, Indian Territory, January 6, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James Perryman as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said James Perryman will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

HGH-20

D. A. 56.

Muskogee, Indian Territory, October 1, 1903.

Millie Fulsom,

Kellyville, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Emma Fulsom, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

[redacted] COMMISSION TO THE FIVE CIVILIZED TRIBES
[redacted], I.T., [redacted], 1909.

In the matter of the death of Emma Fulsom.

THOMAS FULSOM, being sworn by R. R. Cravens, notary public testified as follows: (S. W. Brown, sworn interpreter)

BY THE COMMISSION:

Q What is your name? A Thomas Fulsom.
Q How old are you? A About 54 or 55.
Q What is your postoffice address? A Kelleyville.
Q Are you a citizen of the Muskogee Nation? A Yes, sir.
Q Full blood Euchee? A Yes, sir.

The records of the Commission examined, and it appears that Thomas Fulsom is listed for enrollment on Creek Indian Card, Field No. 8438.

Q What is the name of your child? A Emma.
Q Are you the father of Emma Fulsom? A Yes, sir.
Q What is the name of her mother? A Millie.
Q Is Millie a citizen of the Creek Nation? A Yes, sir.
Q Does she belong to Euchee Town? A Yes, sir.
Q Full blood Euchee? A Yes, sir.
Q How long have you been married to Millie? A 20 years.
Q Is she living? A Yes, sir.
Q What was her name before you married her? A Millie.
Q What is the name of her father? A Micco.
Q What is the name of her mother? A Pantoney.
Q Was Millie ever called by any other name? A No, I don't know of any.
Q Has she filed on her land? A Yes, sir.

The records of the Commission examined and Millie appears to be regularly listed for enrollment on Creek Indian Card, Field No. 8438.

Q Is Emma living or dead? A She is dead.
Q When did she die? A He says the land office was open that month; April. That month, along about the 20th, the child died.
Q How old was Emma when she died? A Two (2) years old.
Q Have you any children younger than Emma? A Yes, sir.
Q What is the name of the child next older than Emma? A Joe.
Q How old was Joe when Emma was born? A There is about two years difference.
Q Joe was about two years old when Emma was born? A Yes, sir.
Q Wisey was born after Emma, was she? A Yes, sir.
Q Was Wisey born when Emma died? A No, sir.

MILLIE FULSOM, being first duly sworn by R. R. Cravens, notary public testified as follows: (S. W. Brown, sworn interpreter)
BY THE COMMISSION:
Q What is your name? A Millie Fulsom.
Q Are you the wife of Thomas Fulsom? A Yes, sir.
Q Are you the mother of Emma? A Yes, sir.
Q When did Emma die? A Long in Big Spring month they call it. That is April.
Q How long ago? A I don't know exactly myself. They claim it was the 20th. It was along in the month the land office was opened.
Q Was Emma living when Wisey was born? A She was dead.
Q Do you remember hearing about the time when people began to file on their lands. When they first began to file on them? A Yes, sir
Q Was Emma living when you first heard that? A She was living then.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. AUGUST 24, 1904.

In the matter of the application for the enrollment of Emma Fulsom, deceased, as a citizen by blood of the Creek Nation.

APPEARANCE: M. L. Mott, attorney for Creek Nation.

Tom Fulsom being duly sworn testified as follows through S.W. Brown, Euchee interpreter, duly sworn:

Examination by the Commission:

Q What is your name? A Tom Fulsom.
Q How old are you? A About 55.
Q What is your post office address??A Kellyville.
Q Do you make application for the enrollment of Emma Fulsom as a citizen by blood of the Creek Nation? A Yes sir.
Q Was she a full blood Euchee? A Yes sir.
Q Is she living or dead? A Dead.
Q Are you her father? A Yes sir.
Q What is the name of her mother? A Millie Fulsom.

The records of the Commission show that Thomas and Millie Fulsom are listed for enrollment as Creek Indian card Field No. 2436 and that their names are containedin the partial list of Creeks by blood approved by the Secretary of the Interior March 28, 1902, Nos. 7277 and 7278, respectively.

Q When was Emma Fulsom born? A October.
Q What year? A 1898.
Q How old was she when she died? A Pretty near a year old.
Q When did she die? A She died in April 1899.
Q Did she die the April following her birth? A Yes sir.
Q Do you remember the circumstance of the Creek land office opening? A Yes sir.
Q Was this child living when that land office opened? A Yes sir.

Examination by Mr. Mott:

Q What did she die with? A Didn't know what you would call it; a pain struck her in the side.

By the Commission:

An affidavit relative to the birth of Emma Fulsom is made part of the record herein and two affidavits relative to her death are made part of the record herein.

Henry G. Haines being sworn on his oath states as a enographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 30th day of September, 1904.

Notary Public.

No. [illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Fulsom, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on November 28, 1903, Thomas Fulsom appeared before the Commission at Okmulgee, Indian Territory, and made application for the enrollment of his minor child, Emma Fulsom, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had at Muskogee, Indian Territory, August 26, 1904.

The evidence shows that said Emma Fulsom, deceased was the minor child of Thomas Fulsom whose name is contained in the partial list of Creek Indians approved by the Secretary of the Interior, March 28, 1902, Roll No. 7277.

The evidence further shows that said Emma Fulsom, deceased, was born during the year 1898, and died subsequent to April 1, 1899.

It is, therefore, the opinion of the Commission that said Emma Fulsom, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the Acts of Congress June 28, 1898, (30 Stat. 495); and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory.

[illegible]

Creek, No. [illegible]

Muskogee, Indian Territory, January 4, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Emma Fulsom, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Emma Fulsom, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

FOW-25

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 1, 1901.

In the matter of the application of Sarah Rose for enrollment of herself and four children as Cherokee Freedmen, the applicant being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Rose.
Q How old are you? A 38.
Q What is your postoffice address? A Fort Gibson.
Q What district do you live in? A Illinois District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever made application to be enrolled by any other Nation or tribe? A No sir.
Q Whom do you desire to enroll besides yourself? A Four children.
Q What are the names of your children? A Bessie Rose.
Q How old is Bessie? A 13.
Q The next child? A Robert.
Q How old is Robert? A 10.
Q The next one? A Richard.
Q How old is Richard? A 6.
Q The next one? A Alberty.
Q How old is Alberty? A 4.
Q What is your father's name? A William Hudson.
Q He living? A Yes sir.
Q What is your mother's name? A Phoebe.
Q She living? A No sir, she's dead.
Q Was your mother a Cherokee Freedman? A Yes sir.
Q Was she a slave before the war? A Yes sir.
Q Whom did she belong to? A Cabin Smith.
Q Where were you born? A Fort Gibson, Cherokee Nation.
Q You always lived in the Cherokee Nation? A Yes sir.
Q Live here now? A Yes sir.
Q These children all living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q Were you married before? A No sir.

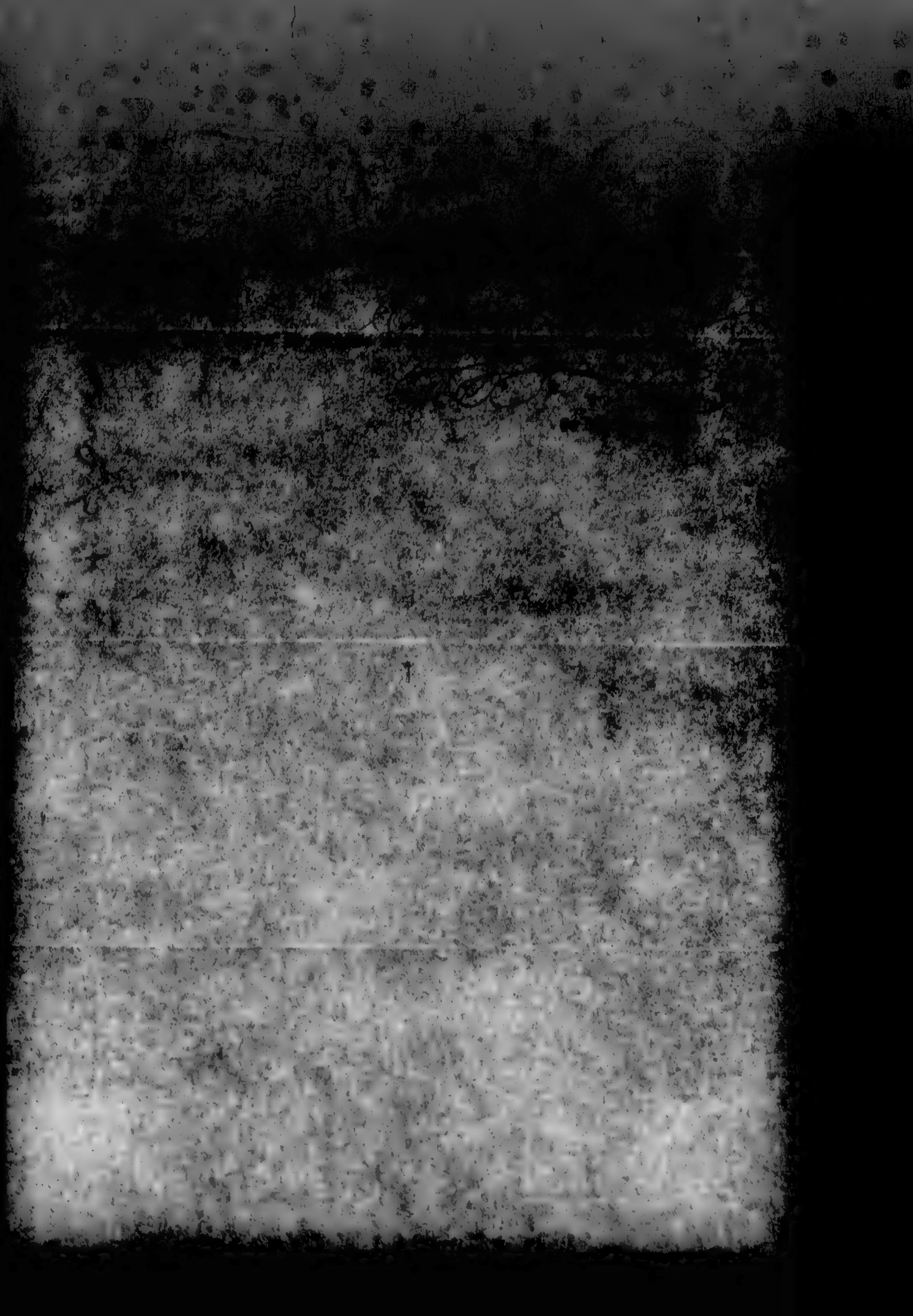
The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 538, No. 827, Sarah Hudson, Illinois District.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants are found thereon as follows:

Page 960, No. 480, Sarah Rose, Illinois District.
Page 960, No. 491, Bessie Rose, Illinis District.
Page 960, No. 492, Robert Rose, Illinois District.
Page 960, No. 493, Richard Rose, Illinois District.
Page 960, No. 494, Alberty Rose, Illinois District.

The name of Sarah Rose is found upon the authenticated roll of 1880 as Sarah Hudson, Hudson having been her maiden name. Her name is found upon the census roll of 1896 as Sarah Rose. She is duly identified as the applicant. She avers she has four children, Bessie, Robert, Richard and Alberty. The names of said children are found upon the census roll of 1896, and they are duly identified. They make satisfactory proof as to residence, consequently Sarah Rose and her children as enumerated herein will be listed for enrollment as Cherokee Freedmen.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 30, 1906.

In the matter of the application for the enrollment of Bessie, Robert, Richard and Alberta Ross as citizens by blood of the Creek Nation.

APPEARANCES: W. H. Smith, Atty for Creek Nation.

SARAH ROSS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Sarah Ross.
Q How old are you? A Thirty-four.
Q What is your post office? A Fort Gibson.
Q You desire to make application for the enrollment of your children as citizens by blood of the Creek Nation? A Yes, sir.
Q What is the name of the eldest one? A Bessie.
Q How old is she? A Sixteen.
Q What is the name of the next? A Robert.
Q How old is he? A Fourteen.
Q The next? A Richard.
Q What is his age? A Ten.
Q The next? A Alberta.
Q How old is she? A Seven.
Q Are you the mother of these children? A Yes, sir.
Q What is the name of their father? A Robert Ross.
Q Is he living or dead? A Dead.
Q How long has he been dead? A Eight years, the 27th of July.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q His father was a colored man was he? A Yes, sir.
Q And his mother a Creek by blood? A Yes, sir.
Q Was he a recognized citizen of the Creek Nation? A Yes, sir.
Q Draw money from the Creek Nation? A Yes, sir.
Q Do you know what town he belonged to? A Arkansas Town.
Q Do you know the town in which your husband's mother belonged? A No, sir, I don't know that.
Q What was her name? A Susie Hosmer.
Q Is she living? A Yes, sir.

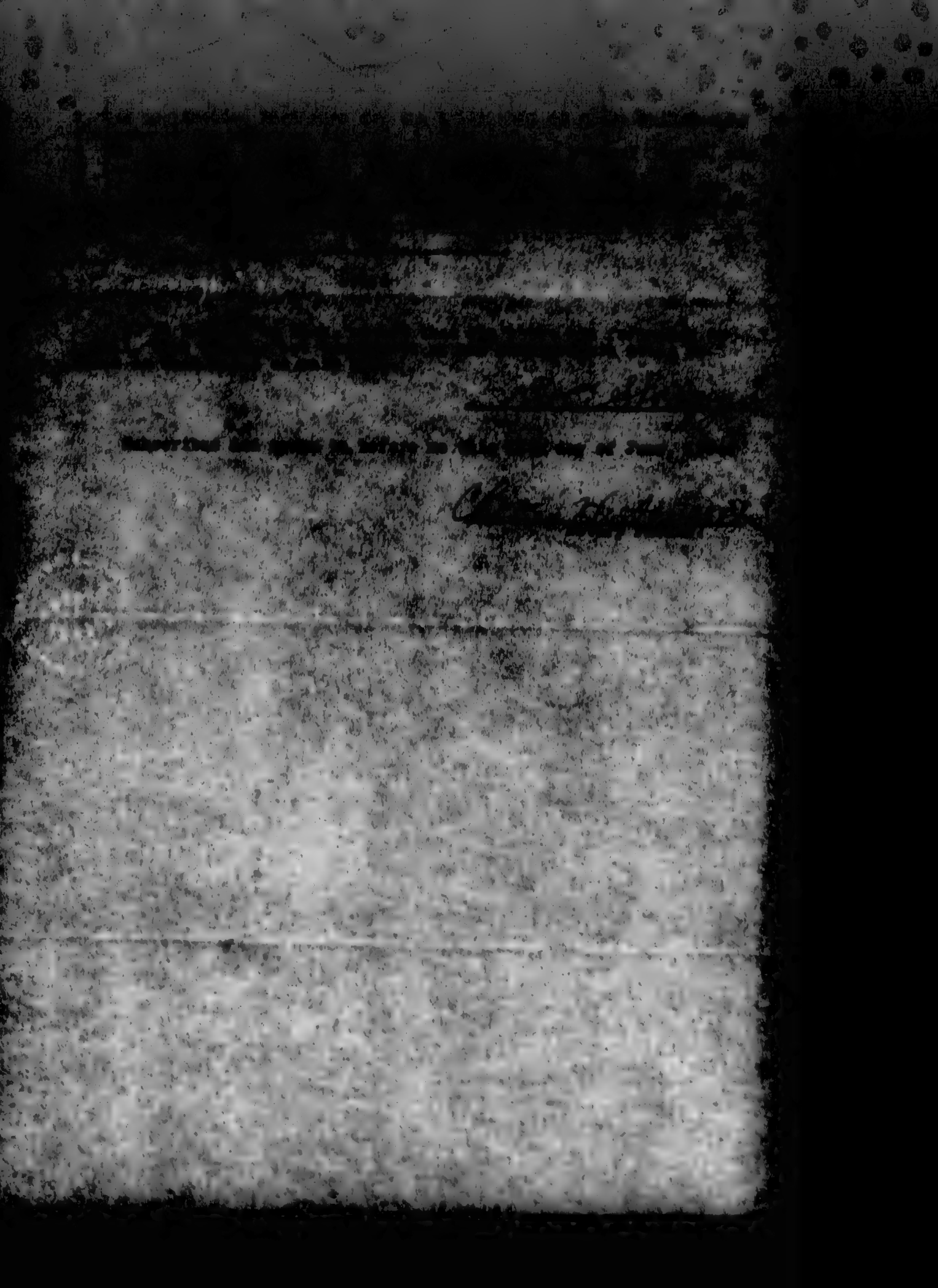
The records of the Commission examined and it appears that Susie Hosmer is listed for enrollment on Creek Indian Card Field No. 840, Approved Roll No. 2719 and that she is a member of Tulsa Canadian Town.

The 1890 Authenticated Roll of the Creek Nation examined and Robert Ross and Bessie Ross identified thereon at Page 26, Arkansas Town.

The 1895 Authenticated Tribal Rolls of the Creek Nation examined and Robert Ross, Charley Ross and Bessie Ross identified thereon at Nos. 97, 98 and 99, respectively, Tulsa Canadian Town.

The 1896 Roll further examined and Bob Ross identified thereon at No. 158, Tulsa Canadian Town, with the following notation: "Dead"

Q How long have you lived in the Indian Territory? A All my life.
Q How long did your husband, Bob Ross, live in the Indian Territory?
A All his life.
Q These children have lived with you all their lives? A Yes, sir.
Q You reside now in the Cherokee Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Cherokee Nation? A Yes, sir.



No. 6[illegible]

Muskogee, Indian Territory, July 1, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

June 29, 1904, Sarah Ross appeared before the Commission and made application for the enrollment of her four minor children, Bessie, Robert, Richard and Alberta Ross, as citizens by blood of the Creek Nation. A copy of the testimony in the case is herewith inclosed.

It appears from the testimony of said Sarah Ross that application has been made for the enrollment of these children as citizens of the Cherokee Nation, and if such application has been made you are requested to furnish the Creek Enrollment Division with a copy of the testimony in the case and the present status of said application.

Respectfully,

Commissioner in Charge.

DCS. 7/1/2.

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER,
WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Freedmen
132.
Creek En.-808.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 13, 1904.

Commission to the Five Civilized Tribes,

Creek Enrollment Division.

Gentlemen:

Receipt is hereby acknowledged of your letter of July 1, enclosing copy of testimony of June 29, 1904, in the application of Sarah Ross for the enrollment of her four minor children, Bessie, Robert, Richard and Alberta Ross as citizens by blood of the Creek Nation. You ask to be advised if application has been made for the enrollment of these persons as citizens of the Cherokee Nation.

In reply you are advised that an examination of the Commission's records discloses that the names of Sarah Ross and her four minor children, Bessie, Robert, Richard and Alberty Ross appear upon Cherokee Freedmen straight card No. 132 and upon the final roll of Cherokee Freedmen approved by the Secretary of the Interior on December 28, 1902, opposite Nos. 387 to 391, both inclusive. For your information there is herewith enclosed a copy of the testimony had in said application.

Respectfully,

Chairman.

Encl. S-47.

En. 605.

Muskogee, Indian Territory, April 1, 1905.

Sarah Ross,

Fort Gibson, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 29, 1905, in which you inquire as to the status of the application made by you June 29, 1904, for the enrollment of your minor children, Bessie, Robert, Richard and Alberta Ross, as citizens of the Creek Nation.

In reply you are advised that the Commission desires further evidence in said case, and that you will be allowed fifteen days from date within which to appear before the Commission at its office, in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

Muskogee, Indian Territory, August 8, 1903.

Chief Clerk,

Creek Enrollment Division,

Muskogee, Indian Territory.

Dear Sir:

You are requested to advise the Cherokee Enrollment Division whether or not the enrollment as citizens by blood of the Creek Nation of Bessie, Robert, Richard, and Alberta Ross, (En. 505) has been finally approved, and if so to give their final roll numbers and the date of the approval of the schedule on which they appear.

You are also requested to advise whether allotments of land in the Creek Nation have been selected for them, and if so, whether the selections were voluntarily or arbitrarily made. Their names appear upon a schedule of Cherokee freedmen approved by the Secretary of the Interior on December 23, 1902, their names appearing opposite Nos. 388, 389, 390, and 391.

Respectfully,

Tams Bixby

Commissioner.

GHL

Muskogee, Indian Territory, August 5, 1905.

Clerk in Charge,

Cherokee Enrollment Division.

Dear Sir:

Receipt is acknowledged of your communication of August 3, 1905, in which you ask to be advised whether or not enrollment as citizens by blood of the Creek Nation of Dessie, Robert, Richard and Alberta Ross has been finally approved; you state that their names appear upon a schedule of Cherokee freedmen approved by the Secretary of the Interior December 30, 1902, opposite numbers 388, 389, 390 and 391.

In reply you are advised that on June 29, 1904, Sarah Ross appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her minor children, Dessie, Robert, Richard and Alberta Ross, as citizens by blood of the Creek Nation; that it appears from the evidence in said case that Robert Ross, the father of said children, is identified on the 1890 authenticated tribal roll of the Creek Nation and on the

Chas. M. Hill, Esq.

1895 Pay-Roll of said Nation, and that said children were all born prior to April 1, 1899; were living at the time of the application and resided in Indian Territory all their lives.

You are further advised that said Sarah Ross elected for all of said children to be enrolled and receive their allotments of land in the Creek Nation.

Said application for their enrollment is still pending.

A copy of the testimony of June 29, 1904, in this case, is herewith enclosed.

Respectfully,

Commissioner.

JYM-5-1

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February [illegible], 1906.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

There is inclosed herewith two copies of Departmental letter of February 3, 1906 (I.T.D.1108-1906), in which the application of Sarah Ross to have the names of her children, Bessie, Robert, Richard, and Alberty Ross, stricken from the roll of Cherokee freedmen in order that they may be enrolled as citizens by blood of the Creek Nation is denied.

On June 29, 1904, Sarah Ross appeared before the Commission to the Five Civilized Tribes and gave testimony in connection with the enrollment of her children as citizens by blood of the Creek Nation in which she elected to have them enrolled as citizens of that Nation.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. CL-34.
GHL

D.C. 9229-1904 (COPY) L.R.
I.T.D. 1166-1906
L.R.

SECRETARY'S OFFICE
DEPARTMENT OF THE INTERIOR
WASHINGTON, D.C.

February 8, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In letter of September 7, 1905, you recommended that the names of Jessie, Robert, Richard and Liberty Ross be stricken from the partial roll of Cherokee freedmen approved by the Department December 23, 1902, and that you be authorized to place their names on the roll of Creek citizens by blood, Sarah Ross, their mother, having requested June 29, 1904, their enrollment as Creek citizens by virtue of the fact that their father, Robert Ross, deceased, was a duly enrolled and recognized citizen of the Creek Nation.

You stated that the enrollment of these children as Cherokee freedmen was made upon the application of their mother of April 4, 1901, who was also enrolled as a Cherokee freedman.

The Indian Office concurred in your recommendation.

It is provided in section 21 of the act of June 28, 1898 (30 Stat., 495), that

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or

more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such allottee shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such rights; but if he fail or refuse to make such selection in the time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

November 4, 1905, the Department requested to be advised whether proper election was made April 4, 1901, for the enrollment of these children in the Cherokee Nation, and whether deeds had been issued to any of them for land in that nation.

In letter of December 14, 1905, you informed the Department that the testimony taken April 4, 1901, copy of which you inclosed, and also of the testimony taken June 29, 1904, "fails to show that it was then discovered that these children were probably entitled to enrollment in either the Cherokee or Creek nations," and that no allotments in the Cherokee Nation had been made for such children, and that "no election had been made for their enrollment as citizens of that nation."

You renewed your recommendation of september 7, 1905, and the Indian office in lett r of january 18, 1906 (Land 100657-1905), concurred in such recommendation.

While no question was asked the mother of these children on April 4, 1901, relative to their father, and while no reference whatever was then made to the Creek Nation, the department considers that the election was made by their mother to have them enrolled in the Cherokee Nation, and that they lost, by such enrollment, all rights they had in the Creek Nation.

Section 28 of the Cherokee agreement, act of July 1, 1902 (32 stat., 716), provides that

" For the purpose of expediting the enrollment of the Cherokee citizens and the allotment of lands herein provided, the said Commission shall, from time to time, and as soon as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final roll of citizens of the Cherokee tribe upon which allotment of land and distribution of other tribal property shall be made. When there shall have been submitted to and approved by the Secretary of the Interior lists embracing the names of all those lawfully entitled to enrollment, the roll shall be deemed complete."

The names of these children having been legally placed upon the partial roll of the Cherokee Nation, the Department does not consider it is authorized to strike their names from such partial roll as proposed. The application is therefore denied, and you will so advise Sarah Ross.

A copy of the Indian Office letter of January 16, 1906 is inclosed.

Respectfully

(Signed) THOS RYAN
First Assistant Secretary.

1 inclosure.

[illegible]

January 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of November 4, 1905 I.T.D. 14350, there is enclosed a report from the Commissioner to the Five Civilized Tribes, saying that on April 4, 1901, application was made by Sarah Ross for the enrollment of Bessie, Robert, Richard, and Alberty Ross, as Cherokee freedmen; that her testimony given at that time fails to show that it was then discovered that these children were probably entitled to enrollment in either the Cherokee or Creek Nations. He enclosed a copy of the testimony, and says that the records of his office do not show that application for the selection of allotments in the Cherokee Nation has been made for said children, and that no application has been made for their enrollment as citizens of that Nation.

He also enclosed a copy of the testimony of Sarah Ross, of June 30, 1904, in which she elects to have the children enrolled as citizens of the Creek Nation.

Their names now appear upon the approved roll of Cherokee freedmen, opposite numbers 388 to 391 , inclusive, and on September 7, 1905, the Commissioner recommended that their names be stricken from the approved Cherokee Freedmen Roll.

[illegible] should [illegible]

It appearing [illegible] that the [illegible] were [illegible] Creek Nation, and [illegible] [illegible] in the Creek Nation, the [illegible] of Mr. [illegible] [illegible] to strike their names from the Cherokee Freedmen [illegible] be granted is concurred in.

Very respectfully

[illegible]

Acting Commissioner

[illegible] Enclosures.

En.805.

Muskogee, Indian Territory, February 15, 1906.

Chief Clerk,

Cherokee Enrollment Division.

Dear Sir:

You are requested to furnish the Creek Enrollment Division with a copy of testimony taken April 4, 1901, in the matter of the application for the enrollment of Sarah Ross, et al., as Cherokee freedmen, the same being desired to be made part of the record in the matter of the Application of Sarah Ross for the enrollment of her minor children, Bessie, Robert, Richard and Alberta Ross as citizens by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

En.808. I.S.W.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie, Robert, Richard and Alberta Rose, as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on April 4, 1901, Sarah Rose appeared before the Commission to the Five Civilized Tribes at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her minor children, Bessie, Robert, Richard and Alberty Rose as Cherokee freedmen.

On June 20, 1904, said Sarah Rose appeared before the aforesaid Commission at Muskogee, Indian Territory and made application for the enrollment of her said children as citizens by blood of the Creek Nation. Further proceedings were had April 18, 1905.

It appears from the evidence in this case that said minor applicants are the children of Robert Rose, whose name appears on the 1890 and 1895 authenticated rolls of the Creek Nation, and Sarah Rose, whose name is contained in a partial list of Cherokee freedmen approved by the Secretary of the Interior December 28, 1906, opposite No. 307.

It further appears from the evidence and the records in the possession of this office that the names of Bessie, Robert, Richard and Alberty Rose are contained in a partial list of Cherokee freedmen approved by the Secretary of the Interior December 28, 1902 opposite Nos. 288 to 291, inclusive.

The Department, on February 8, 1906 (I.T.D.1106-1906) ruled that,--

> "While no question was asked the mother of these children on April 4, 1901, relative to their father, and while no reference whatever was then made to the Creek Nation, the Department considers that the election was made by their mother to have them enrolled in the Cherokee Nation, and that they lost, by such enrollment, all rights they had in the Creek Nation."

It is, therefore ordered and adjudged that there is no authority of law for the enrollment of said Bessie, Robert, Richard and Alberta Rose as citizens by blood of the Creek Nation and the application for their enrollment as such is accordingly denied.

Commissioner.

Muskogee, Indian Territory,

JUN 28 1906

Muskogee, Indian Territory, June 29, 1906.

Sarah Ross,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Bessie, Robert, Richard and Alberty Ross, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Engrossed.
Compared.

Commissioner.

Cr.No.2000.

Muskogee, Indian Territory, June 29,1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah Ross, and her minor children, Bessie, Robert, Richard and Alberty Ross as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

EM-98.

Muskogee, Indian Territory, June 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sarah Ross, and her minor children, Dennis, Robert, Richard and Alberty Ross, as citizens by blood of the Creek Nation, including the decision of the Commissioner, dated June 25, 1906.

Respectfully,

IM-99.

Commissioner.

Through the Commissioner
of Indian Affairs.

Refer in reply to the following:

Land.
54837-1906.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith, report of Commissioner Bixby dated June 29, 1906, transmitting for Departmental consideration the record in the matter of the application of Sarah Ross and her minor children, Bessie, Robert, Richard and Alberty Ross, for enrollment as citizens by blood of the Creek Nation.

The record in this case shows that on April 4, 1901, Sarah Ross appeared before the Commission to the Five Civilized Tribes at Fort Gibson and made application for the enrollment of herself and her minor children as Cherokee freedmen.

Thereafter on June 29, 1904, Sarah Ross appeared before the Commission at Muskogee, and made application for the enrollment of her children as citizens by blood of the Creek Nation.

Further proceedings were had on April 18, 1905.

The evidence in this case and the records in the Office of the Commissioner show that the minors herein are the children

[redacted] whose name appears on the 1890 and 1895 authenticated rolls of the Creek Nation, and Sarah Ross, whose name is contained in a partial list of Cherokee freedmen approved by the Department December 23, 1902, opposite No. 387; and that the names of Bessie, Robert, Richard and Alberty Ross are contained in a partial list of Cherokee freedmen approved by the Department December 23, 1902, opposite Nos. 388 to 391, inclusive.

Citing Departmental letter of February 3, 1906 (I.T.D., 1108-1906) wherein it is held that the election to have these minors enrolled in the Cherokee Nation, was made by their mother and by such enrollment they lost all rights they had in the Creek Nation, the Commissioner decides under date of January 28, [redacted], that there is no authority in law for their enrollment, and accordingly denies the application.

On this state of the record this Office recommends the approval of Commissioner Bixby's decision, and the consequent denial of the application, for the reasons given by him.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

A.J.W. - ML

GR
LIS

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 1108-1906.
23368-"
D.C.83247 -1906.

December 1, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 29, 1906, you transmitted the record of the application of Sarah Ross for the enrollment of her minor children, Bessie, Robert, Richard, and Alberty Ross, as citizens by blood of the Creek Nation, including your decision dated June 28, 1906, denying said application.

Reporting November 21, 1906 (Land 56227), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

It appears from the record that Sarah Ross, the mother of said children, then a resident of the Cherokee Nation, on April 4, 1901, applied for their enrollment as Cherokee freedmen, and on June 29, 1904, applied for a transfer of their names from the roll of Cherokee freedmen to the roll of citizens by blood of the Creek Nation, on the ground that their father, Robert Ross, who died eight years previous thereto (1896), was a Creek citizen by blood, his name appearing upon the 1890 authenticated roll and

the 1898 authenticated tribal roll of the Creek Nation.

The father of said children having been dead at the time of the application made by their mother on April 4, 1901, for their enrollment as Cherokee freedmen, the Department is of opinion that the mother, Sarah Ross, on April 4, 1901, as their only living parent elected to have said children enrolled as Cherokee freedmen, and that election having been exercised and said children's names now appearing upon the partial approved roll of Cherokee freedmen, no sufficient reason appears why their enrollment as Cherokee freedmen should not stand. The application for their enrollment as citizens by blood of the Creek Nation is therefore denied.

You will advised the applicant of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Cr.[illegible]

Muskogee, Indian Territory, December 19, 1906.

Chief Clerk,

Cherokee Enrollment Division,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of December 1, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906, denying the application for the enrollment of Sarah Rose and her minor children Bessie, Robert, Richard and Alberta Rose as citizens by blood of the Creek Nation.

Copy of said decision by the Commissioner, together with communications from the acting Commissioner of Indian Affairs and the First Assistant Secretary of the Interior are inclosed herewith.

Respectfully,

Commissioner.

Enc.
JCL 12-19.

Cr.En. 906.

Muskogee, Indian Territory, December 19, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that the Department under date of December 1, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906, denying the application for the enrollment of Sarah Ross and her minor children Bessie, Robert, Richard and Alberta Ross as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr. Rx. 605.

Muskogee, Indian Territory, December 18, 1906.

Sarah Rose,

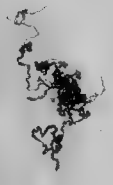
Fort Gibson, Indian Territory,

Dear Madam:

You are hereby advised that the Department under date of December 1, 1906 affirmed the decision of the Commissioner to the Five Civilized Tribes dated June 28, 1906, denying the application for the enrollment of yourself and your minor children, Bessie, Robert, Richard and Alberta Rose as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 29, 1904.

In the matter of the application for the enrollment of [redacted] Cora, Edward, Pearl and Fannie Hopkins and Catherine, [redacted] Pilcher and Mary E. Cartwright, as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Mott, Att'y for Creek Nation.
M. A. Holcomb, Att'y for applicants.

FANNIE HOPKINS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Fannie Hopkins.
Q How old are you? A I am forty-eight.
Q What is your post office? A Grayson.
Q In the Indian Territory? A Yes, sir.
Q Do you desire to make application for enrollment as a citizen by blood of the Creek Nation? A Yes, sir.
Q Have you some children that you want to make application for? A Yes, sir, have some that is over-age.
Q What is the names of those under-age? A Cora.
Q How old is she? A Twenty.
Q Does Cora live with you? A Yes, sir.
Q She is not married? A No, sir.
Q A member of your family? A Yes, sir.
Q What is the name? A Edward.
Q How old is he? A Seventeen.
Q What is the next? A Pearl.
Q What is her age? A Eleven.
Q The next? A Fannie.
Q How old is she? A Eight.
Q Are these children all alive? A Yes, sir.
Q Live with you? A Yes, sir.
Q Where do you reside? A Grayson.
Q Is that in the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A I been here about a year.
Q Where did you come from? A Come from down in Texas.
Q Did you ever live in Indian Territory before a year ago? A No, sir.
Q What is the name of the father of these children? A Alfred Hopkins.
Q Is he living or dead? A Living.
Q Do you claim that he is a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any tribe in Indian Territory? A No, sir.
Q State Man is he? A Yes, sir
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Was any money ever drawn for any of these children from the Creek Nation? A No, sir.
Q Where were you born? A In Texas.
Q Lived there all your life until about a year ago? A Yes, sir.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and the names of none of the applicants found thereon.

Q You don't claim to be a full blood Creek Indian? A No, sir, I aint a full blood. My grandmother was a full blood.

CAROLINE CARTWRIGHT, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Caroline Cartwright.
Q How old are you? A [illegible]
Q What is your post office? A [illegible]
Q In Indian Territory? A [illegible]
Q Do you make application for enrollment as a Creek by blood? A Yes, sir.
Q What degree of [illegible]? A Grandmother was an Indian.
Q You don't claim [illegible]? A No, sir.
Q Have you [illegible] to apply? A Yes, sir.
Q What is the name of [illegible]? A [illegible]
Q How old is she? A Eighteen.
Q What do you say your age is? A I have forgotten now---29.
Q That just makes you eleven years older than this girl? A I was but 12 or 13 when I married.
Q What is the name of the next child? A Abe.
Q How old is she? A Fourteen.
Q What is the name of the next? A Plumer.
Q How old is Plumer? A Eleven.
Q What is the name of the next? A Mary M.
Q How old is she? A Eight.
Q Are these children all living? A Yes, sir.
Q What is the name of their father? A Abe Cartwright.
Q Is he living or dead? A Living.
Q Do you make any claim that he is a citizen of the Creek Nation?
A No, sir, he is a State man.
Q Where were you born? A In Texas.
Q How long did you live in Texas? A All my life, been here a year.
Q Did you live in Texas all your life before you came to the Indian Territory? A Yes, sir.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Was any money ever drawn for any of these children from the Creek Nation? A No, sir.

The Tribal Rolls of the Creek Nation, in the possession of the Commission, examined and the names of none of the applicants found thereon.

Q Were you ever admitted to citizenship in the Creek Nation by any authority? A No, sir.
Q Were any of your children ever admitted to citizenship in the Creek Nation? A No, sir.
Q Did you ever make application for citizenship in the Creek Nation?
A No, sir.
Q Neither for yourself nor any of these children? A No, sir.

FANNIE HOPKINS re-called:

By Commission:

Q Were you ever admitted to citizenship in the Creek Nation by any authority? A No, sir.
Q Were any of your children? A No, sir.
Q Did you ever make application for admission to citizenship for yourself or any of your children? A No, sir.

The records of the Commission examined and it does not appear that application was ever made for the admission of any of the applicants herein, to this Commission, under the act of Congress, June 10, 1896 (29 Stat., 321).

The records of the Creek Citizenship Commission, commonly known as the Colbert Commission, examined and it does not appear that application was ever made to said Commission for admission of any of the applicants herein as citizens of the Creek Nation.

Q You and Caroline Cartwright are sisters? A Yes, sir, half sisters.

Q Were any of your [illegible] your father or mother or grandfather or grandmother enrolled as Creek citizens? A Yes, sir, I think there were and my uncle was enrolled.
Q Which one? A Watley Downing.
Q Who is Watley Downing. What kin is he to you? A My uncle.
Q By what means? A My brother to my grandmother.
Q Watley Downing is enrolled as a Creek citizen? A Yes, sir.
Q Who was your mother? A My [illegible] named Julia Downing.
Q What was her name before the marriage? A I can't call it.
Q What kin was she to Watley Downing? A That would make her sister [illegible] my uncle.
Q What blood is your mother? A My mother was a half Indian.
Q What blood is your grandmother? A Full blood.
Q What kin is your grand mother to Downing? A Brother and sister.

By Commission:

The records of the Commission examined and it appears that Watley Downing is listed for enrollment on Creek Indian Card Field No. 695, Approved Roll No. 2272, and that he is a full blood Creek Indian.

CAROLINE CANTWRIGHT re-called:

By Commission:

Q You have heard the testimony that has been given by Fannie Hopkins, now does your claim to enrollment come through the same way as her claim does? A Yes, sir.
Q You claim the same as she does? A Yes, sir.

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D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 30th day of June, 1904.

Charles A. Sawyer
Notary Public.

[illegible]

In the matter of the application [illegible] Cora, Edward, Pearl and Fannie Hopkins, [illegible] Plumer and Mary M. Cartwright as citizens by blood of the Creek Nation.

-:DECISION:-

------------:O:------------

The record in this case shows that on June 29, 1904, Fannie Hopkins, for herself and her four minor children, Cora, Edward, Pearl and Fannie Hopkins, and Caroline Cartwright, for herself and her four minor children, Atsey, Abe, Plumer and Mary M. Cartwright, appeared before the Commission, at Muskogee, Indian Territory, and made application for enrollment as citizens by blood of the Creek Nation.

The evidence shows that none of the applicants are full-blood Creek Indians.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, been admitted to citizenship in the Creek Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of Fannie Hopkins, Cora Hopkins, Edward Hopkins, Pearl Hopkins, Fannie Hopkins, Caroline Cartwright, Atsey Cartwright, Abe Cartwright, Plumer Cartwright and Mary M. Cartwright, as citizens by blood of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[signature]
Chairman.

[signature]
Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

WM. G. HEALY, Secretary.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 18, 1905.

Docket No. 864

Caroline Cartwright,

Grayson, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor children, Atsey, Abe, Plumer and Mary M. Cartwright, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-18-91.

Creek No. 504

Muskogee, Indian Territory, January 20, 1902.

Fannie Hopkins,

Grayson, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Cora, Edward, Pearl and Fannie Hopkins, as citizens by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the same, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby.

Chairman.

Meriater.

J.M.-16-02.

COPY.

Creek No 806

Muskogee, Indian Territory, January 18, 1900.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the applications for the enrollment of Fannie Hopkins, et al., as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

JY'-18-93.

Muskogee, Indian Territory, January 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the applications for the enrollment of Fannie Hopkins, et al., as citizens by blood of the Creek Nation, including the decision of the Commission, dated January 5, 1906.

Respectfully,

James Dixby.

Chairman.

Through the
Commissioner of Indian Affairs.

JY -16-06.

Refer in reply to the following
Letter [illegible]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, January 27, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 18, 1905, transmitting the record of the application, made June 29, 1904, for the enrollment as citizens by blood of the Creek Nation by Fannie Hopkins for herself and her four minor children, Cora, Edward, Pearl and Fannie Hopkins, and by Caroline Cartwright for herself and her four minor children, Atsey, Alm, Palmer and Mary M. Cartwright.

January 5, 1905, the Commission decided adversely to all the applicants.

The record shows that no prior application has been made, that none of the applicants are full blood Creek Indians, and that none of them have ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation, or by any United States tribunal.

Very respectfully,

C.F.Larrabee,
Acting Commissioner.

M.M.M.
W.

I.T.D. 1014-1905. WCF. LLH.

LRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, March 15, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 18, 1905, you transmitted the record in the matter of the application for the enrollment as citizens by blood of the Creek Nation of Fannie Hopkins and her four minor children, Cora, Edward, Pearl and Fannie Hopkins; and by Caroline Cartwright and her four minor children, Atsey, Abe, Plumer, and Mary M. Cartwright, including your decision dated January 5, 1905, rejecting said applications.

Reporting January 27, 1905, the Acting Commissioner of Indian Affairs transmitted the record, but failed to make any recommendation. A copy of his letter is inclosed.

The Department considers your decision of January 5, 1905, correct, and the same is hereby affirmed.

Respectfully,

(Signed) E.A.Hitchcock,
Secretary.

1 inclosure.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREWSTER.
WM. O. BRADLEY,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cr. No. 806

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 27, 1906.

Caroline Cartwright,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 16, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of yourself and minor children, Atsey, Abe, Plumer and Mary M. Cartwright, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

Cr An 606

Muskogee, Indian Territory, March 27, 1905.

Fannie Hopkins,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 16, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of yourself and minor children, Cora, Edward, Pearl and Fannie Hopkins, as citizens by blood of the Creek Nation.

Respectfully,

Signed Tams Bixby

Chairman.

D. M. 806

Muskogee, Indian Territory, March 17, 1906.

W. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 16, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1906, denying the applications for the enrollment of Fannie Hopkins, et al. as citizens by blood of the Creek Nation.

Respectfully,

Tams Bixby

Chairman.

[illegible]

Muskogee, Indian Territory, August 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of March 16, 1906 (I.T.D.1018-1906), affirmed the decision of the Commission to the Five Civilized Tribes, dated January 8, 1906, denying the application for the enrollment of Minnie Hopkins, et al., as citizens by blood of the Creek Nation.

There is inclosed herewith motion to reopen said case supported by affidavit, filed with this office June 28, 1906. Said motion does not show service of copy of same upon the attorney for the Creek Nation. Ample time and opportunity was afforded said applicants for the introduction of further evidence between June 29, 1904, the date on which original application was made for enrollment, and January 8, 1906, the date on which decision was rendered in said case.

[redacted]

In view of the facts in the case, I respectfully recommend that this matter be reopened.

Respectfully,

Through the
Commissioner of Indian Affairs. Commissioner.

AC-E

Refer in reply to the following:
Land [illegible]
[illegible]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 28, 1906.

G G'P Y

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of March 16, 1905, (I.T.D.1918-1905), affirming the decision of the Commission to the Five Civilized Tribes denying the application for enrollment of Fannie Hopkins, etal., as citizens by blood of the Creek Nation, I have the honor to transmit a communication from the Commissioner to the Five Civilized Tribes, enclosing a motion supported by affidavits asking that the case be reopened on the ground of newly discovered evidence.

The Commissioner recommends that the motion be denied. The record is enclosed.

Very respectfully,

F.E.Leupp,

Commissioner.

FWB-20

I.T.D. 18400-1906. [illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September [illegible], 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On August 28, 1906 (Land 67031), the Indian Office transmitted your report, together with a motion for review and the record, in the matter of the application for the enrolment of Fannie Hopkins, et al., as citizens by blood of the Creek Nation.

It appears that the facts set forth in said motion differ in no material respect from the evidence previously submitted. You recommend that said motion be denied.

The Indian Office makes no recommendation in the matter. A copy of its letter is inclosed.

Said motion is hereby denied, and you are requested to so advise the parties in interest.

The papers in the case have been returned for the files of the Indian Office.

Respectfully,

Thos. Ryan,

Acting Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind.Of.

Cr.No.[illegible]

Muskogee, Indian Territory, October 10, 1906.

Fannie Hopkins,

Grayson, Indian Territory.

Dear Madam:

You are advised that under date of September 29, 1906, the Department denied motion for review filed June 25, 1906, in the matter of the application for the enrollment of yourself, your minor children, Cora, Edward, Pearl and Fannie Hopkins, and Caroline Cartwright and her minor children, Atsey, Abe, Filmer and Mary M. Cartwright, as citizens by blood of the Creek Nation.

Respectfully,

Signed Tams Bixby

Commissioner.

Department of the Interior
RECEIVED.
FEB 22 1896
Enc. No. 1 of No. 2139
Indian Territory

United States of America
Western Judicial District
Indian Territory

ss

Affidavit
Citizenship Case

Pending before the Secretary Interior of Fannie Hopkins
(Daniels)

On this the 31st day of January 1906 personally appeared
-ed before me the undersigned Notary Public duly
Commissioned and acting as such, Colbert Grayson
an envolled Creek citizen who states under oath that
he is personally acquainted with Fannie Daniels
who is a daughter of Lydia Daniels who was a
citizen of the Creek Nation and the said Fannie
Daniels for more than twenty years that she has
resided in the Creek Nation and was the annuity
of the Creek Nation in the year of 1890 & 1895
To my personal knowledge, and these facts
are true to the best of my knowledge and
belief

his
Witness E. McWoods o Colbert X Grayson
mark
D. J. Epps

Sworn to and subscribed before me this 31 day of
January 1906

Samuel J Smith
Notary Public

My Commission Expires 11/10/09

Department of the Interior.
RECEIVED
FEB 23 1906
No. 2139
Indian Territory Division.

Respectfully referred to the Commissioner to the Five Civilized Tribes for consideration and appropriate action.

Assistant Secretary.

United States of America }
Western Judicial District } SS
Indian Territory }

Affidavit

Citizenship Case #

Pending before the Secretary Interior of Fannie (Hopkins) Daniels

on this the 24 day of January 1906 personally appeared before me the undersigned notary public duly Commissioned and acting as such for the Western Judicial District aforesaid Tobe Tiger who states under oath that he is enrolled citizen of the Creek Nation. and is personally acquainted with Fannie Daniel who is a daughter of Lidia Daniel - who was a citizen of the Creek Nation and the said Fannie Daniels. for more than twenty years that she has resided in the Creek Nation and Drew the annuity of the Creek Nation in the year of 1890 & 1895 to my personal Knowledge, and these facts are true to the my Knowledge and belief

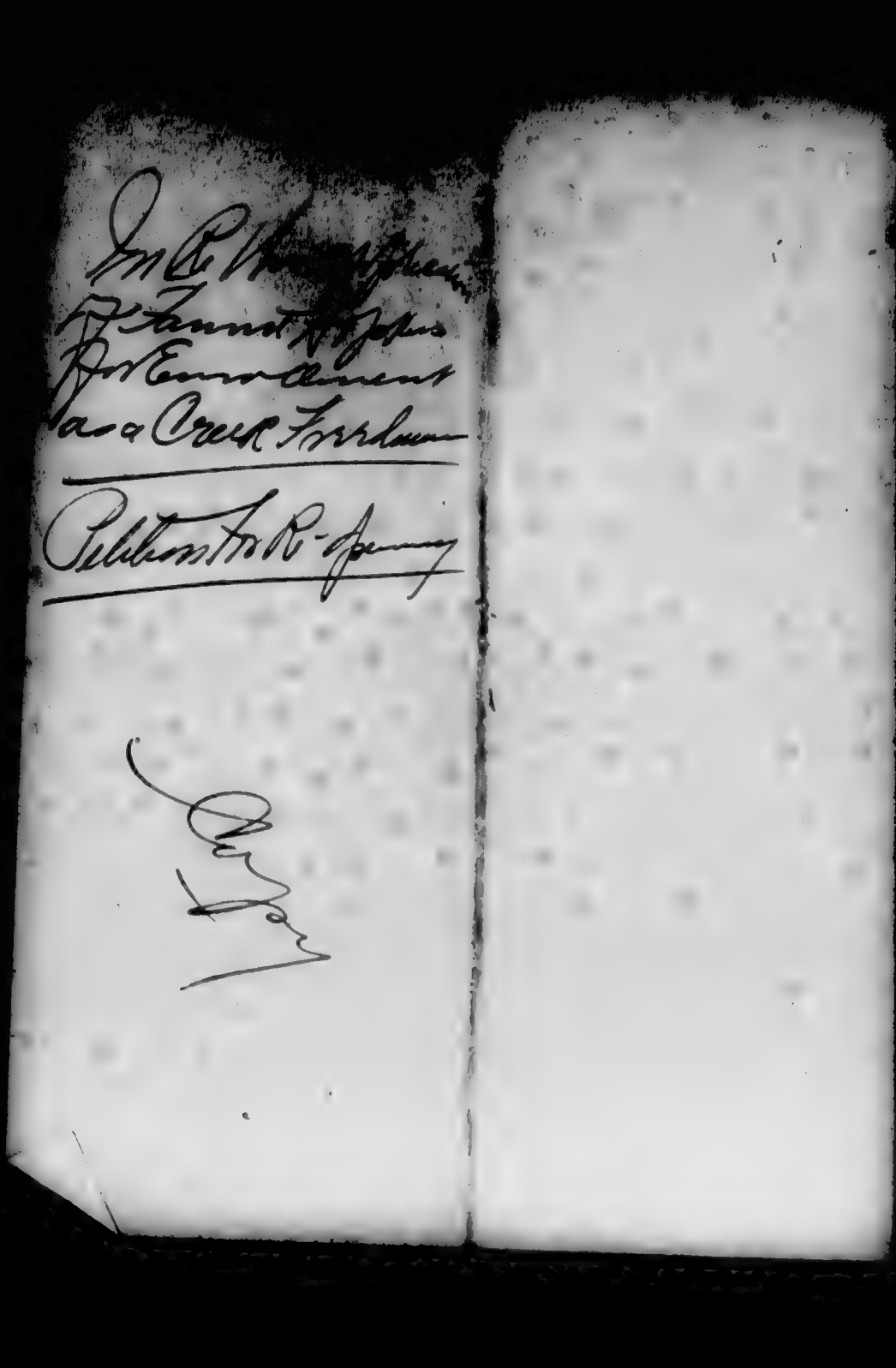
Witness Edison Wood
Sanford Downing

signed Tobe his X mark Tiger

Sworn to and subscribed before me this 24th day of Jan. 1906

Samuel J. Smith
Notary Public

my Commission expires 11.16.09



[illegible] your petitioner is informed, [illegible] will expire with the present day.

Therefore your petitioner prays that she may be given ten days in which to file affidavits o f said witnesses, and that her case may be reopened and she be permitted to offer further and additional proof of her citizenship, and consequent right to a reopening of her case.

Very Respectfully Submitted.

_____

Subscribed and sworn to before me this 25th. day of June, 1906.

_____

Notary Public.

In re, the application of Fannie Hopkins nee Daniels;
For Enrollment as a Creek Citizen----------.

Honorable Secretary of the Interior:

Your petitioner, Fannie Hopkins nee Daniels, respectfully represents unto your Honor that on her application for enrollment as a Creek Citizen was denied, as by letter of the 10th inst. March, she is informed.

Your petitioner further informs your Honor that she is advised that the said application was denied for insufficiency of evidence, but that she was not aware that more evidence would be required of her till the matter had been passed upon; that had she been so informed she believes that she could have been able to have produced sufficient to have satisfied the Commission that she was entitled to enrollment, but being ignorant and unadvised, and not being able to employ a lawyer, she did not know just what witnesses she would need when she went before the Commission to establish her claims.

Petitioner further says that she is now able to offer the evidence of "Bud" Dean, a Creek Freedman, whose evidence she was not aware that she would be able to produce at the former hearing, as she did not know where witness lived: that said witness will say:-That he was well acquainted with petitioner's mother, Luda Daniel, who is enrolled as a Creek Citizen: that he remembers your petitioner as the child of Luda Daniel while she was a member of her mother's household when the Family resided near the juncture of the Blue and Arkansas Rivers in the Creek Nation: that he(affiant) will say that he has known petitioner for twenty or thirty years and that she is the same Fannie Daniels, now Hopkins that he knew as the child of Luda Daniels.

By Tally Lewis petitioner will be able to establish practically the same statements as witness Bud Dean will testify to.

Petitioner further says that she is not able to procure the affidavits of said witnesses at this time as the said Dean failed to reach the city of Muskogee to-day as he engaged to do, and the said Tally Lewis is not immediately accessible, and the time for filing this motion for re-opening, your petitioner is advised, has about expired, and will expire with the present day.

Wherefore your petitioner prays that she may be given ten days in which to file affidavits o f said witnesses, and that her case may be re-opened and she be permitted to offer further and additional proof of her citizenship, and consequent right to a reopening of her case.

Very Respectfully Submitted.

_____

Subscribed and sworn to before me this 25th. day of June, 1906.

_____

Notary Public.

Affidavit

Copy

In Re, the application of Fannie Hopkins,nee Daniels,for Enrollment as a Creek Citizen.

United States Of America,
Western District,
Indian Territory. } ss.

Before me this day personally appeared Bud Dean, who being by me first duly sworn,on oath deposes and says: That he is well acquainted with Fannie Hopkins nee Daniels,the applicant for enrollment as a Creek Citizen herein: that he has known the said Fannie Hopkinsfor about thirty years: that when he first got acquainted with the said Fannie Hopkins she was at the home of her mother on Blue Creek near its juncture with the Arkansas River,in the Creek Nation: that affiant was also acquainted with the applicant's mother,Luda Daniels,a little longer than his acquaintence with the said Fannie Daniels (now Hopkins): that he was introduced to the said Fannie Hopkins,nee Daniels by the said Luda Daniels the said Luda Daniels stating at the time that the said Fannie Hopkins was her daughter: that he knew the said Luda Daniels to the time of her death about seven or eight years ago- or rather to within a few months of her death: that soon after the death of the said Luda Daniels,affiant met the said Fannie Hopkins,and upon inquiring about the latter's mother was informed by the said Fannie Hopkins that her moteher had died while on a visit to the State of Texas a short time before.

Affiant further says that he is certain from his personal acquaintanceship withthe Applicant and the said Luda Daniels,that they bore the relationship of mother and daughter,and,affiant says,they were so known by general reputation in the neighborhoodsin which they lived &c.

Witnesses:

_____ _____

_____

Subscribed and sworn to before me this _____ Notary Public.

In the [illegible]

Application [illegible], Creek Nation.

Betty Jenkins, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Betty Jenkins.
Q How old are you? A 34.
Q What is your post-office? A Muskogee.
Q Do you make application for the enrollment of Aurilla Fisher as a Creek Freedman? A Yes, sir.
Q How old is she? A Going on 12.
Q You are her mother? A Yes, sir.
Q What is the name of her father? A Willie Fisher.
Q Is Willie Fisher a citizen of the Creek Nation? A Yes, sir.
Q To what Town in the Creek Nation does Aurilla Fisher belong? A Arkansas I think.
Q Has Aurilla Fisher lived in the Creek Nation all her life? A Yes, sir, was born right here.
Q What is the name of her father, did you say? A Willie Fisher.
Q Is he living? A Yes, sir.
Q You and Willie Fisher don't live together? A No, sir.
Q Who has the child? A I have.
Q You have had the child all its life? A All its life.

The 1896 Pay Roll of the Creek Nation examined and Aurilla Fisher identified thereon at No. 948, Arkansas Town, her name following that of Willie Fisher, who has been listed for enrollment on Creek Freedman Card Field No. 1891, Approved Roll No. 4986.

Q Aurilla Fisher is living is she? A Yes, sir, she is living.

---oooOOOooo---

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 6th day of July, 1904.

Charles Hetherington

Notary Public.

In the matter of the application for the enrollment of Aurilla Fisher as a Creek Freedman.

DECISION.

The record in this case shows that on July 1, 1904, Betty Jenkins appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Aurilla Fisher, as a Creek Freedman.

The evidence shows that said Aurilla Fisher is identified on the 1895 Pay Roll of the Creek Nation, and that she was about twelve years of age and living at the date of the application herein.

It is therefore the opinion of the Commission that said Aurilla Fisher should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

OCT 11 1904

Ex. 307

Muskogee, Indian Territory, October 18, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Aurilla Fisher as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Aurilla Fisher will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner in Charge.

NOH-6-10-12

Creek No. 407

Muskogee, Indian Territory, January 6, 1905.

Betty Jenkins,

Muskogee, Indian Territory.

Dear Madam:

You are advised that the name of your minor child, Aurilla Fisher, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior December 24, 1904, and that application for a selection of land in the Creek Nation may now be made for her at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

By Commission:

Q What is your name? A Mattie Perkins.
Q How old are you? A 38.
Q What is your post office address? A Muskogee.
Q Do you make application for the enrollment of Joe Bruner as a Creek freedman? A Yes, sir.
Q How old is he? A 13.
Q Does he live with you? A Yes, sir.
Q Has he lived with you all is life? A Yes, sir.
Q Was he living on the Creek Nation at this time? A Yes, sir.
Q What is the name of his father? A Jack Bruner.
Q Is he living or dead? A Living.
Q Are you Joe Bruner's mother? A Yes, sir.
Q Are you and Jack Bruner living together? A No, sir, we been parted, I guess, but can't tell how long.
Q Was there any money ever drawn for Joe Bruner in the Creek Nation? A Yes, sir, there was twice.
Q You say you drew money for him twice? A Yes, sir, the last money drawn Jack taken it.
Q How much was it you got the first time? A I don't know how much it was.
Q Did Jack Bruner have some other children when you married him? A Yes, sir, he had four children.
Q What are their names? A Rina, Sarah, Mollie and Celander.
Q Who was Addie? A I got a girl named Addie.
Q Is she Jack's child? A No, sir.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Has she been enrolled? A I reckon her father enrolled her.
Q What is her father's name? A Morris Stevens.
Q Is he enrolled? A I don't know.
Q What is Addie's name now? A Addie Stevens.
Q Who is Addie's mother? A I am.
Q Did Addie live with you when the $29.00 Payment was made? A Yes, sir.
Q Joe is living is he? A Yes, sir.

The 1890 Authenticated Roll of the Creek Nation examined and Joe Bruner the applicant herein identified thereon at Page 31 Arkansas Town.

The 1895 Pay Roll of the Creek Nation examined and Joe Bruner the applicant herein identified thereon No. 1876, Arkansas Town.

Q He belongs to Arkansas Town does he? A Yes, sir.
Q What is the reason you have not applied for this child before this? A Because I thought his father done it. I didn't know anything about it till Tuesday and I saw him and he said he had not done anything.

Notary Public

RECORDED

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

No. 506

In the matter of the application for the enrollment of [illegible] Bruner, as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on July 1, 1904, Mattie Perkins appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her child, Joe Bruner, a minor, as a Creek Freedman.

The evidence shows that said Joe Bruner is identified on the 1890 authenticated tribal roll of the Creek Nation and on the 1895 pay roll of said nation; and that he was about thirteen years old and living at the time of the above application.

It is therefore the opinion of the Commission that said Joe Bruner should be enrolled as a Creek Freedman in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN

COMMISSIONER

C. R. Breckinridge

COMMISSIONER

DATED AT MUSKOGEE,
INDIAN TERRITORY

OCT 11 1904

H.G.H.

No. [illegible]

Muskogee, Indian Territory, October 12, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joe Bruner as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Joe Bruner will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner in Charge.

HGH-3-10-12

[redacted]

[redacted]

Dear Madam:

You are advised that the name of your minor child [redacted] Bruner, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior December 22, 1906, and that application for a selection of land may now be made for said child at the office of the Commission at Muskogee, Indian Territory.

Respectfully,

Chairman.

COPY.

D. A. 170

Muskogee, Indian Territory, November [illegible], 1906.

Lassie Wadsworth,

Eufaula, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Thomas Wardsworth, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

COPY.

E. A. 270

Muskogee, Indian Territory, December 28, 1903.

Louvie Wordsworth,

Eufaula, Indian Territory.

Dear Madam:

The Commission is in receipt of your communication of December 22, 1903, in which you state that you are poor and cannot pay the expenses of yourself and witnesses to testify in the matter of the application for the enrollment of your child, [redacted] Wordsworth, and ask if sworn affidavits in the matter will do.

You are advised that affidavits in this matter are not sufficient and that you are required to appear before the Commission at Muskogee, Indian Territory, with two witnesses who know the date of the birth of your said child for the purpose of submitting testimony under oath.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHECOTAH, I.T. June 24, 1904.

In the matter of the application for the enrollment of Thomas [redacted] as a citizen by blood of the Creek Nation.

Caddo Wadsworth being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Caddo Wadsworth.
Q How do you sign your name? A Caddo.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q What Creek Indian town do you belong to? A Coweta.
Q Do you know Lussie Wadsworth? A Yes sir.
Q Do you know her child Thomas Wentworth? A Yes sir.
Q Do you know whether that child is living? A Dead.
Q Do you know when it died? A Some time last winter.
Q How old was it when it died? A A little over 2 years old.
Q What is the name of its mother? A Lussie.
Q Who is the father of Thomas Wentworth? A They say it is mine.
Q Is Lussie your wife? A No sir.
Q Were you present when Thomas Wentworth was born? A No sir.
Q Have you ever seen him? A Yes sir.
Q Do you remember the first time you saw him? A Yes sir, it was along about the 10th of March.
Q What year? A I think it was in 1900; won't be positive; 5th of February I think.
Q How long before the ratification of the Creek treaty? A It was about a year.
Q To what treaty do you refer? A The treaty that was made between the Creeks and the Government.
Q Do you refer to the Creek supplemental agreement? A No.
Q When was Thomas Wentworth born with reference to the Creek supplemental agreement? A Well, he was born in 1900, 5th of February; they got the ages down.
Q When was the last time you saw him do you remember? A Well he has been dead; he died sometime in November 1903; I might have made a mistake about the year born.
Q Do you know whether there is a record of the dates of the death and birth of Thomas Wentworth? A Yes sir; Mrs. Hill has got the record.
Q Where does Lussie live? A Out here at Shell Creek.
Q What is her post office address? A Thurman.

Henry G. Hains being sworn on his oath state that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 1st day of July, 1904.

Clara

Clara C. Hinds.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
McAlester, I. T., July 15, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Thomas Wentworth as a citizen by blood of the Creek Nation.

LUSSIE WADSWORTH, being duly sworn, testified:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Lussie Wadsworth.
Q What is your age? A I don't know really but suppose I am about thirty.
Q What is your post office address? A Hasson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Kialigee.
Q Do you make application to the Commission for the enrollment of your minor child, Thomas Wentworth, as a citizen by blood of the Creek Nation? A Yes, sir.
Q Is Thomas Wentworth living? A Died.
Q Did you ever call Him Thomas Wadsworth? A Yes, sir.
Q What was his full name? A Thomas Wadsworth.
Q Have you filed an affidavit with the Commission in the matter of his birth? A Yes, sir.
Q That affidavit stated that his name was Thomas Wentworth? A Yes, sir.
Q Why was it you gave him the name of Wentworth? A The one that Mr. McIntosh made for us is the only one that was made.
Q What do you now state was the child's name? A Thomas Wadsworth.
Q Who was the father of Thomas Wadsworth? A Cad Wadsworth.
Q Is he living? A Yes, sir.
Q What town does he belong to? A Coweta.
Q He is a citizen of the Creek Nation is he? A Yes, sir.
Q Is he your husband? A He is not my husband.
Q Was you ever married to Cad Wadsworth? A No, never was married.
Q When was Thomas born? A I don't know exactly but I have a record of it.

The witness presents a piece of paper apparently a leaf from a memorandum book hereafter mentioned in this record as the memorandum book of Polly Hill. Upon it is written the following: "Thomas Wadsworth was born in Feb. 6th. 1901 and died in Oct. 9, 1903."

Q Who made this record? A Cad.
Q When was it made? A Just lately.
Q How many days ago? A He made it out about last Sunday.
Q Do you know the date of the birth of Thomas Wadsworth? A No, sir -----it was 1901.
Q Do you know that yourself or did some one tell you? A I don't know it exactly but I was told that was the date.
Q How long did Thomas live? A I don't know exactly.
Q About how long? A I don't know.
Q Was it a month old? A To the best of my judgment he was in his third year.
Q How long ago has it been since he died? A He died last Fall.

Peter Kelley, being duly sworn, testified:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Peter Kelley.
Q What is your age? A About 25.
Q What is your post office address? A Wasson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Thlopthlocco.
Q Do you know Lussie Wadsworth? A Yes, sir.
Q What relation is she of yours? A My sister.
Q Full sister? A Yes, sir. One mother but different father.
Q Did you know a child of hers named Thomas? A Yes, sir.
Q Do you know when Thomas was born? A I was not here when he was born.
Q Do you know when he died? A Died last Fall.
Q Do you know how old he was when he died? A I think it was over two years anyhow. May have been some where about three.
Q How long after the child was born before you saw it? A The child was walking when I saw it.

Polly Hill, being duly sworn, testified:

By Commission:

Q What is your name? A Polly Hill.
Q What is your age? A 27 past.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation of Tulsa Canadian Town? A Yes, sir.
Q Do you know Lussie Wadsworth? A Yes, sir.
Q Do you know a child of hers named Thomas Wentworth? A Yes, sir.
Q Do you know the date of the birth of Thomas Wentworth? A Yes, sir
Q Were you present at the birth? A No, sir.
Q How long afterwards before you saw the child? A About four days.
Q Did you make a record of the date of the birth? A No, sir.
Q How is it you recollect the date of the birth? A I got it from the mother.
Q You have a record then have you? A No, I got the information from the mother.
Q What's the date of the birth as you recollect? A February 6, 1901.
Q How long has it been since you saw the mother of Thomas Wentworth? A I haven't seen her lately. About two weeks.
Q How long has it been since Lussie told you the date of the birth of her child? A It was four days after the birth of the child.
Q Have you remembered it from that time until now without making any not of it? A Yes, sir.
Q How many child have you? A Four.
Q What is the date of the birth of the oldest one? A Going on seven.
Q What is the date of his birth? A October 17, 1897.
Q what is the date of the birth of the next one? A September 18, 1899.
Q What is the date of the birth of the next one? A Last day of May, 1901.
Q What is the date of the next one? A April 3, 1903.
Q Are you intimately acquainted with Lussie Wadsworth? A We are pretty friendly. We visit one another quite frequently.
Q What I want to know is how you remember the date of the birth of Thomas Wentworth. You don't attempt to remember the date of the births of all the children in the neighborhood do you? A I don't know that I do.
Q Have you refreshed your memory from the time that Lussie told you the date of the birth of Thomas until now? A No, but I know it just about as well as I know my own children's.
Q You mean the date of the birth or you know the child? A The date of the birth.

Q Have you ever executed any affidavits in the matter of the birth of Thomas Wentworth? A Yes, sir.
Q Did you read over the affidavits before you signed them? A Mr. McIntosh read it over to me.

[illegible] on oath state that the above and foregoing is a full, true and complete transcript of my [illegible] notes as taken in said cause on said date.

Subscribed and sworn to before me this August 9, 1904.

Notary Public.

No. 509

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Thomas Wadsworth, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on June 24, 1904, Cassie Wadsworth appeared before the Commission at Checotah, Indian Territory, and made application for the enrollment of his deceased child, Thomas Wadsworth, as a citizen by blood of the Creek Nation. Further proceedings in the matter of said application were had at Mallette, Indian Territory, July 15, 1904.

The evidence shows that said Thomas Wadsworth is the child of Lussie Wadsworth who is identified on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, No. 7764; that said Thomas Wadsworth was born in February, 1901 and died in October, 1903.

It is, therefore, the opinion of the Commission that said Thomas Wadsworth, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,

INDIAN TERRITORY

JAN 3 1905

Creek No. 309

Muskogee, Indian Territory, January 7, 1904.

M. H. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Thomas Wadsworth, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Thomas Wadsworth, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGT-24

CR EN 510

EN 510

COPY.

D.A.166

Muskogee, Indian Territory, November 27, 1903.

Mrs. Eliza Wadsworth,

Eufaula, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Benjamin Thomas Wadsworth, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

IN THE MATTER OF THE ENROLLMENT,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
OKMULGEE, I.T., June 24, 1904.

D.A. 168.

In the matter of the application for the enrollment of Benjamin Thomas Wadsworth as a citizen by blood of the Creek Nation.

Lisa Wadsworth being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lisa Wadsworth.
Q How old are you? A I don't know my age.
Q About how old are you? A About 34 I guess.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Arbeka Deep Fork.
Q For whom do you make application to the Commission for enrollment? A Bennie; Thomas Wadsworth.
Q When was Bennie born? A September 23.
Q What year? A 1900.
Q Is Bennie living? A No sir.
Q When did he die? A May 15th.
Q What year? A 1900; he wasn't a year old when he died.
Q About how many months old was he when he died? A About eight I guess; he was born in September and that coming May he died.
Q Did he die the next May? A Yes sir.
Q May of the next year? A Yes sir.
Q What was Bennie's father's name? A John Wadsworth.
Q Is he a Creek citizen? A Seminole.
Q Have you a record of the dates of the birth and death of Benjamin Thomas Wadsworth? A Yes sir.
Q Have you the names and dates of the births of your other children in the same book? A Yes sir.
Q Anything else in that book? A No sir

Witness presents an autograph album in which are written verses and compliments of friends; on page 7 on the 4th leaf, not counting the fly leaf, is written as follows in ink: "Married September 18, 1894; Annie Wadsworth born Jan. 22, 1895; Richard Wadsworth born Oct 19, 1896; Daniel Wadsworth born Jan 1899; Bennie T. Wadsworth born Sept. 23, 1900". Following the name of Bennie T. Wadsworth in pencil is written May 15, years not written. Following that note in pencil: "James H. Wadsworth born Aug 31 1903". that note is also in pencil.

Q These names and dates is the record you refer to is it? A Yes sir.

Josephine Berryhill being called and sworn testified as follows:

By the Commission:

Q What is your name? A Josephine Berryhill.
Q How old are you? A About 36.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Coweta.

Q Do you know John and Eliza Wadsworth? A Yes sir.
Q Did they have a child named Benjamin Thomas Wadsworth? A Yes sir
Q Is Bennie living? A No.
Q Can you tell me when he was born? A September 25,
Q Of what year? A 1900.
Q How long did he live? A I don't remember just exactly how long he lived.
Q Do you know when he died? A I don't believe I was at home when he died.
Q Were you at his funeral? A No;his grave is out there; I saw the grave.
Q How long after his death before you found out that he was dead?
A About the next day I guess.
Q Do you remember what month that was? A I can't remember dates much yet.

Eliza Wadsworth recalled:

Q Where is your child, Benjamin Thomas Wadsworth buried? A Right out yonder at the grave yard.
Q Have you a tombstone at the grave? A No sir.
Q A head board? A Yes sir.
Q Are the dates of the birth and death on it? A No sir.

Mary Wadsworth being called and sworn testified as follows through Ames McIntosh, official interpreter:

Examination by the Commission:

Q What is your name??A Mary Wadsworth.
Q How old are you? A I don't know.
Q About how old are you? A About the same as Mrs. Josephine Berryhill.
Q What is your post office address? A A Cathay.
Q Are you a citizen of the Creek Nation? A Seminole.
Q Do you know John and Liza Wadsworth? A Yes sir.
Q What relation are they to you, if any? A John is my son.
Q Do you know a child of theirs names Benjamin Thomas? A Yes sir.
Q Can you tell me the date, the month and year that Bennie Thomas was born? A I don't know.
Q Do you remember the year? A No.
Q Do you know when Bennie died? A Don't know.

Liza recalled:

Q Can you read and write? A Yes sir.
Q Who made that record of the dates of the birth and death of your child? A I did.

Henry G. Haims being sworn on his oath states that he was stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haims

Subscribed and sworn to before me this 1st day of July, 1904.

(Seal)

Oliver C. Hinkle.
Notary Public.

No.

SUPPLEMENTAL PROOF,

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of the

CREEK NATION.

Approved ..... 190.....

....

Commissioner.

Files June 28, 1902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED

June 28 - 1902

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek (or Muskogee) Nation, of Benjamin Lowen Wadsworth, born on the 22 day of September, 1900.
(Here insert name of child.)

Name of Father: John Wadsworth, a citizen of the Seminole Nation.

Name of Mother: Eliza Wadsworth, a citizen of the Creek Nation.

Post-office, ...

AFFIDAVIT OF PARENT.

(To be made if child is now living.)

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
..... District.

I, ..., on oath state that I am ..... years of age and a citizen, by ....., of the Creek (or Muskogee) Nation; that I am the ..... (father or mother.) of ..... (Here insert name of child.) a ..... (male or female.) child who was born on the ..... day of ....., 1....., and that said child is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) .....

.....

Subscribed and sworn to before me this ..... *day of* ..... *190*....

.....
NOTARY PUBLIC.

AFFIDAVIT OF PARENT.

(To be made if child is deceased.)

UNITED STATES OF AMERICA,
Western INDIAN TERRITORY,
..... District.

I, Eliza Wadsworth, on oath state that I am about 34 years of age and a citizen, by blood, of the Creek (or Muskogee) Nation; that I am the mother of Benjamin Lowen Wadsworth
(father or mother) (Here insert name of child.)
a male child who was born on the 22 day of September, 1900, and that said child died on the 15 day of May, 1901.
(male or female.)

WITNESSES TO MARK:

(Must be Two Witnesses.) .....

Eliza Wadsworth

Subscribed and sworn to before me this 24 *day of* June *190*4.

(Seal) Oliver C. Stinchcomb
NOTARY PUBLIC.

192

20

IN RE

Application for Enrollment of

INFANT CHILD

Benjamin Thomas Wadsworth

as a citizen of

Loree R Nation.

Approved ..... 190 .....

.....

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dated Transcribed 2-1-1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Loosa Nation,
of Benjamin Thomas Wadsworth (Here insert name of child), born on the 24 day of September, 1900.
Name of Father: John Wadsworth, a citizen of the Creek & Seminole Nation.
Name of Mother: Eliza Wadsworth, a citizen of the Loosa Nation.
Post-office Eufaula, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } INDIAN TERRITORY,
Northern District. }

I, Eliza Wadsworth, on oath state that I am 30 years of age and a citizen, by Blood, of the Loosa Nation; that I am the lawful wife of John Wadsworth, who is a citizen, by Blood, of the Loosa & Seminole Nation; that a male (Male or female) child was born to me on 24 day of September 1900; that said child has been named Benjamin Thomas Wadsworth, and is now living.

WITNESSES TO MARK: Mrs Eliza Wadsworth

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20 day of March 1901.

(Seal) My Commission expires Jan 30/1906 A M Milam NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY,
Northern District. }

I, Josephine Berryhill, a midwife, on oath state that I attended on Mrs. Eliza Wadsworth, wife of John Wadsworth, on the 24 day of Sept, 1900; that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now living and is said to have been named Benjamin Thomas Wadsworth

WITNESSES TO MARK: Josephine Berryhill

(Must be Two Witnesses)

Subscribed and sworn to before me this 20 day of March 1901.

Seal) My Com exp. Jan 30/1906 A M Milam NOTARY PUBLIC.

DECISION.

The record in this case shows that on June [illegible], [illegible] [illegible]worth appeared before the Commission at [illegible], Indian Territory, and made application for the enrollment of [illegible] [illegible] [illegible], a [illegible] as a citizen by blood of the [illegible] Nation.

The [illegible] [illegible] was born September [illegible], [illegible] [illegible].

It is, therefore, [illegible] [illegible] authority of law for the enrollment of said [illegible] deceased, as a citizen by [illegible] of the [illegible] and the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible signature]
CHAIRMAN.

[illegible signature]
COMMISSIONER.

C. R. Breckinridge
COMMISSIONER.

DATED AT MUSKOGEE,
INDIAN TERRITORY.
OCT 11 1904

Creek No. [illegible]

[illegible] Indian Territory, October 27, [illegible]

The Secretary,

The Department of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Benjamin Thomas Wadsworth as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

(SIGNED)

Chairman.

Through the Commissioner
of Indian Affairs.

RCW-g-10-17

No. [illegible]

Muskogee, Indian Territory, October 17, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Benjamin Thomas Wadsworth as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

NOF-d-10-17

No. 610

Muskogee, Indian Territory, October 17, 1904.

Lisa Wadsworth,

Chesetah, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Benjamin Thomas Wadsworth as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register

WWH-e-lo-17

Copy

DEPARTMENT OF THE INTERIOR?

I.T.D. 11072-1904. Washington, November 1, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 17, 1904, you transmitted the record in the matter of the application for the enrollment of Benjamin Thomas Wadsworth as a citizen by blood of the Creek Nation, including your decision of October 11, 1904, denying said application.

Reporting in the matter October 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E.A.Hitchcock

Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
74,089-1904. Washington, Oct. 28, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application filed June 24, 1904, made by Liza Wadsworth, for the enrollment as a citizen by blood of the Creek Nation, of her deceased child, Benjamin Thomas Wadsworth.

October 11, 1904, the Commission decided adversely to the applicant.

The evidence shows that Benjamin Thomas Wadsworth was born September 23, 1900, and died May 18, 1901.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

(W.N.M.)P.

[redacted]

[redacted]

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of November 1, 1904, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 11, 1904, denying your application for the enrollment of Benjamin Thomas Wadsworth as a citizen by blood of the Creek Nation.

Respectfully,

[redacted]

Registrar.

Creek Dn. 510

Muskogee, Indian Territory, November 10, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 1, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of Benjamin Thomas Wadsworth as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

[illegible]
but [illegible]
[illegible]
[illegible]
5/ [illegible]

This seems to be all
the evidence that can
be obtained in this
matter. The documents
attached in my opinion
is [illegible] of
the evidence.

IT IS MY OPINION THAT NO EFFORT WILL BE MADE BY LUCY WOLF TO SUBMIT ANY FURTHER EVIDENCE. SHE IS INDIFFERENT, AND, FURTHER, NO ONE IN THE NEIGHBORHOOD SEEMS TO KNOW THE DATES OF BIRTH AND DEATH. I THINK IT IMPRACTICAL TO ATTEMPT TO GET ANYTHING FURTHER.

O.C.H.

1624

IN RE

Application for Enrollment of

INFANT CHILD

Benka Wolf

as a citizen of the

Creek Nation.

Approved, ... 190..

..... Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
August 9 1901.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation.

of Berta Wolf (Here insert name of child.), born on the 22 day of June 1899

Name of Father: Oscar Wolf, a citizen of the U.S. Nation.

Name of Mother: Lucy Wolf, a citizen of the Creek Nation.

Post Office, Checotah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Northern District.

I, Lucy Wolf, on oath state that I am 24 years of age and a citizen, by blood, of the Creek Nation; that I am the wife of the husband of Oscar Wolf, who is a citizen of the U.S. Nation; that a female child (male or female) was born to me on the 22 day of June 1899; that said child has been named Berta Wolf.

Witnesses to mark:
(Must be Two Witnesses.) Geo. Hice
J.F. Jackson

Lucy her x mark Wolf

Sworn to and subscribed before me this 16 day of Aug 1901.

Andrew Jackson
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Northern District.

I, Mary Wolf, a midwife, on oath state that I attended on Lucy Wolf who is a citizen, on the 22 day of June, 1899; that there was born to her on said date a female (male or female) child; that said child is said to have been named Berta Wolf

Witnesses to mark:
(Must be Two Witnesses.) Geo. Hice
J.F. Jackson

Mary her x mark Wolf

Sworn to and subscribed before me this 16 day of Aug 1901.

Andrew Jackson
NOTARY PUBLIC.

IN RE:
THE DEATH OF

Berta Wolf

a citizen of the

Creek Nation.

Approved 1

Commissioner.

Born June 12-1899

Died Oct 17-1900

Member on Creek Card #3120

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Aug 17 1901
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Berta Wolf (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Checotah (Here insert name of post office.), Ind. Ter., and died on the 17 day of Oct, 1900

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, (Indian Territory) Northern District.

I, Lucy Wolf, on oath state that I am 44 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Checotah (Here insert name of post office.), Ind. Ter.; that I am mother (State relationship, as: the father; an uncle; a cousin, etc.) of Berta Wolf (Here insert name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Berta Wolf died on the 17 day of Oct, 1900.

her
Lucy × Wolf
mark

WITNESSES TO MARK. (Must be Two Witnesses.)

Lewis Hice

J. R. Jackson

Subscribed and sworn to before me this 16 day of Aug 1901

Andrew Jackson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, (Indian Territory) Northern District.

I, Lucy Wolf, on oath state that I am 30 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Checotah (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Berta Wolf (Here insert name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Berta Wolf died on the 17 day of Oct, 1900.

her
George × Wolf
mark

WITNESSES TO MARK. (Must be Two Witnesses.)

Lewis Hice

J. R. Jackson

Subscribed and sworn to before me this 16 day of Aug 1901

Andrew Jackson
Notary Public.

COPY.

D. A. 1[illegible].

Muskogee, Indian Territory, November 23, 1903.

Lucy Wolf,

Checotah, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of your minor child, Bertha Wolf, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHECOTAH, I.T. June 21, 1904.

In the matter of the application for the enrollment of Bertha Wolf, deceased, as a citizen by blood of the Creek Nation.

Lucy Snowden being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name; your age and post office address? A Lucy Wolf when I was enrolled but its Lucy Snowden now; Checotah; I guess I am about 27.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Artussee.
Q Do you desire to make application for the enrollment of your child Bertha Wolf as a citizen by blood of the Creek Nation? A Yes.
Q Is Bertha Wolf living? A No sir, she's dead.
Q When was she born? A I can't tell you.
Q How old was she when she died? A I guess she was about 2 years old.
Q What is Bertha's father's name? A Oscar Wolf.
Q Was he a citizen of the Creek Nation? A No sir.
Q Was he a citizen of any Indian tribe? A Not as I knows of.
Q Was he a colored man? A Yes sir.
Q Who tended on you when the child was born? A My mother, Mary Wolf
Q Is she living? A No sir.
Q. Did you make a record of the date of the birth of your child, Bertha? A No sir.
Q You didn't write it down in a book or on a paper or in your bible? A No sir.
Q Who was attending your child Bertha when it died? A Dr. Rooker.
Q Where is his office? A Here at Checotah.
Q Is he practising there now? A Yes sir.
Q Did you have a doctor when the child was born? A No sir
Was Dr. Rooker present when the child died? A No sir.
Q How long before it died was his last visit? A I carried the child there myself; never carried it but once; I guess she lived a week.
Q Did you pay him for his services? A Yes sir.
Q Did you pay him at the time of your visit or afterwards? A Afterwards.
Q What time of the year was it that Bertha died? A I don't know that either.
Q Who in the neighborhood where you live would be able to tell the date of the birth of Bertha? A There is not anyone that I knows of but Fred Dyer and his family; he lives out in the country here a piece.
Q Why do you think he would be likely to remember? They was close there.
Q They visited you when the child was born? A No sir, they wasn't there.
Q Soon afterwards? A Yes sir.
Q About how many days after the child was born before they came to your house to see it? A I guess a week.
Q Were there any other children born in your neighborhood about the same time that Bertha was? A No sir.
Q Were there any children died in your neighborhood about the same time Bertha was born? A Not as I knows of.

Q Was there any child born about the time your child, Bertha, died? A No sir.
Q Were there any persons, Creek citizens, in your neighborhood who died about the same time yer child, Bertha, dead? A No sir, I don't think there was.
Q Why is it that you haven't looked after this matter of enrolling your child, Bertha, other than just sending the affidavits? A I did not know I could file for her and I didn't bother about it.
Q Are there any witnesses you want to introduce in this case? A None except aunt Fanny.
Q Are there any statements you desire to make in regard to the birth and death of your child, Bertha Wolf,? A No sir.

Jasper Richard being called and sworn testidified as follows:

By the Commission:

Q State your name, a e and post office address? A Jasper Richard; 31; Checotah.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Arbeka.
Q Do you know Lucy Wolf? A Yes sir.
Q How close do you live to her house? A About 3 miles.
Q Has Lucy any children? A One living now.
Q Has she had any other children? A One that died; two of them she lost.
Q Did she have one named Bertha? A Yes sir.
Q Do you know when her child, Bertha, was born? A 13th of October about four years ago. (This witness testifies partly through Amos McIntosh, official interpreter.)
Q When did Bertha die? A I don't know; he thinks she was born in October and lived up to about this time of year just about the time watermelons was getting ripe. He said it was about the time they commenced filing that she died; they had been filing.
Q About the time who began filing? A Himse f; his sister and his father/
Q What is the sister's name that you refer to? A Nannie Williams.
Q What is your father's name? A Sam Richard.
Q Do you know how old Lucy Wolf's child Bertha was hen it died? A He says he don't know how many years old but it as just about watermelon time.
Q Do you know whether your father, Sam Richard, made a record of the dates of the birth and death of Bertha? A He says he guess the old man knows but he hasn't got any record.
Q Who else would be likely to know about the birth and death of Bertha? A He don't know, of anyon but the mother and she's dead.

Lucy recalled:

Q You executed affidavits, didn't you, in regard to the birth and death of your child, Bertha? A Yes sir; not for birth I didn't think I did; I don't remember now; its long ago.
Q Were you married to Oscar Wolf? A No sir.
Q You had somebody look after the enrolling of Bertha once, didn't you- tried to get her enrolled? A Yes sir.
Q Who was that? A Mr. Hutchison.
Q Where does he live? A In town here.

Q What did he do? A I don't know what he done.
Q Did you go to his office and tell him about Bertha? A Yes sir.
Q Did he make out some papers for you? A Not then he didn't but he said he would.
Q Did you see him about it again after that? A No sir, I never would fool with it any more.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 1st day of July, 1904.

Seal

Oliver C. Hinkle.

Notary Public.

In the matter of [redacted]
Wolf, Deceased, as a [redacted]

[redacted] D. [redacted], being duly sworn, [redacted]

BY COMMISSIONER:

Q What is your name? A [redacted] Myer.
Q What is your age? A [redacted] years old.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A No, sir, I am a citizen of the United States.
Q Do you know Lucy Wolf? A Yes, sir.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q Did you know a child of hers named Bertha Wolf? A Yes, sir.
Q Do you know who the father of that child was? A No, sir.
Q Was Lucy married to any one at the time the child was born? A No.
Q Do you know when Bertha was born? A No, I don't.
Q How many years do you think it has been since she was born? A Why, four or five years. I couldn't say.
Q Do you know when she died? A No, I don't.
Q Do you remember the circumstance of her death? A No more than that they came over here and got me to make a coffin for it. My brother-in-law, Sam R. Myer, made it.
Q Where does he live? A Near Mamey Spring.
Q Do you know how old the child was at the time she died? A Something over a year old, I should think.
Q Was the child still nursing at the time it died? A I don't remember.
Q In what season of the year was it when she died? A It seems to me it was about this time in the year. Right in the summer, I think. I think the child died of Summer complaints.
Q Where were you living at that time? A Right here.
Q How many crops have you raised since then? A I don't remember.
Q How long have you lived in the Creek Nation? A Twenty-two years.
Q Do you remember the circumstance of the opening of the Creek Land Office at Muskogee? A Yes, sir.
Q Do you know whether or not the child died prior to that time? A No it was after the land office opened.
Q Did any one that you know filed on his allotment at the time she died? A No, I don't know any one.
Q [redacted]
Q To whom does the land belong which you are now living on? A To my wife.
Q Had she fied upon this land at the time the child died? A I don't remember that. Dr. G. R. Rucker, at Checotah will know by his books. He attended on the child. He has gone to New Mexico.
Q Has he moved there to live? A Yes, sir, but you may be able to find his books there in town.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 16 day of Oct., 1908.

Earle Brown

No. 811.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Creek Enrollment Field Party,
Checotah, I. T. August 30, 1899.

In the matter of the application for the enrollment of Bertha Wolf as a citizen by blood of the Creek Nation.

GEORGE WOLF, being duly sworn, testified as follows:

BY COMMISSIONER:

Q What is your name? A George Wolf.
Q How old are you? A Thirty-three.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Lucy Wolf? A Yes, sir.
Q What relation was she to you? A My niece.
Q Do you know a child of hers named Bertha Wolf? A Yes, sir.
Q Who is the father of the child? A Oscar Woodley.
Q Is he a citizen of the Creek Nation? A Non citizen.
Q Is he living? A Yes, sir. I think he is over there at Wright's Hotel.
Q Was he the lawful husband of Lucy Wolf at the time the child was born? A No, sir.
Q Do you know when the child was born? A I don't remember.
Q Do you know when the child died? A I did--recollect that to.
Q How old was the child at the time of her death? A She must have b been a year or two years old.
Q How long has she been dead? A It must be-----must be about three or four years, I guess---just near as I can guess.
Q Do you remember when the Creek Land Office opened at Muskogee? A It was in 1899 wasn't it---yes, sir.
Q Was the child living at that time? A Yes, sir.------It was the 24th day of June when I went up to file and the child was living then.
Q How old was the child then? A She was very near a year old then.
Q You are positive she was living at that time? A Yes, sir. Why I say so I had one child that was a little older than it.
Q Why didn't the mother go before the Commission then and make application for Bertha's enrollment? A She did. She went up there to Muskogee the same time I was trying to file for one of my babies.
Q Did you say the mother went before the Commission and made application for the child at the time you went there to file for one of your children? A yes, sir.
Q And the child was living then? A Yes, sir.
Q When was that? A 1901, I think. I put mine in and they turned it down.
Q What was the name of the child you were making application for? A George Wolf.
Q Which of the children died first, your child or Bertha? A Bertha died first.
Q Do you know whether or not there was any record made of the death of Bertha? A Not as I recollect.
Q Who attended on her during her last illness? A I don't recollect that either.
Q Did Dr. Rucker attend on her? A He might have.

Witness is advised that the Commissioner desires the statement of the physician in attendance as to the date of the death of Bertha Wolf.

No. 511----2.

I [illegible], on oath state that the above and foregoing is a full and true transcript of my stenographic notes taken on said date.

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 1930.

Edward Grunert
Notary Public.

Posey, Alex.
Eufaula, I.T.
Creek Nation.
March 4, 1905.

Transmits testimony in re application for enrollment of Bertha Wolf, deceased, as a citizen of the Creek Nation.

CREEK ENROLLMENT

No. 971.

Eufaula, Indian Territory, September 4, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith testimony taken August 29 and 30, 1905, in the matter of the application for the enrollment of Bertha Wolf, deceased, as a citizen by blood of the Creek Nation, together with copies of testimony heretofore taken in said case.

It is claimed by the witnesses in this case that Dr. G. R. Rucker, formerly of Checotah, Indian Territory, but now of Roswell, New Mexico, attended upon said Bertha Wolf, deceased, during her last illness. A letter has been addressed to him through his agent at Checotah requesting a sworn statement as to the date of the death of said Bertha Wolf.

Respectfully,

Allen Bay

Clerk in Charge Creek Field Party.

FARM AND CITY PROPERTY

J. B. MONROW

NOTARY PUBLIC

Real Estate and Loans

MONEY TO LOAN ON FARM AND CITY PROPERTY

ROOM No. 1 CENTRY BLOCK, FIRST STAIRWAY EAST OF POST OFFICE

CHECOTAH, I. T., Aug. 29th 1908.

Dr. Ds. R. Rucker

Roswell N. M.

Dear Sir.

Alex. Posey of the Dawes Commission has just been in my office seeking information relative to the death of Bertha Wolf a child of Lucy Snowden (nee Wolf.) If you have a record showing attendance upon said child in its last illness, he would like to have your affidavit of such record.

Yours truly

J. B. Monrow

Mr Monrow

I do not know anything about this Case. Never saw or heard of it So far as I know or remember and dont that such a child ever existed. Never did any work for Snowdens except at Confinement that I remember Will write again soon Yours

G. R. Rucker

Received

Posey, Alex

511

Transmits letter from Dr. S.R. Rucker stating he can give no information relative to death of Martha Wolf, a child of Lucy Snowden.

ENCLOSURE

Muskogee, Indian Territory, September 13, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

As stated in my letter of September 6, 1906, transmitting testimony in the matter of the application for the enrollment of Martha Wolf, deceased, as a citizen by blood of the Creek Nation, a letter was addressed to W. B. Hamner, of Roswell, New Mexico, through his agent at Checotah, Indian Territory, requesting an affidavit as to the date of the death of said Martha Wolf.

Said letter and reply thereto is herewith enclosed.

Respectfully,

Clerk in Charge Creek Field Party.

Cr.En.511. I.S.N.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bertha Wolf, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 17, 1901, an affidavit was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, in the matter of the birth of Bertha Wolf, which said affidavit is considered in the nature of an application for her enrollment as a citizen by blood of the Creek Nation. On the same day there was also filed with this office an affidavit in the matter of the death of said applicant. Further proceedings were had June 21, 1904, August 29, and August 30, 1905.

It appears from the evidence herein and from the records in the possession of this office that said Bertha Wolf, deceased, was the illegitimate child of Lucy Wolf, whose name appears on a partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite No. 8362.

The evidence in this case is contradictory as to the dates of birth and death of said Bertha Wolf but the weight of evidence shows that said applicant was born prior to July 1, 1900 and died subsequent to that date.

It is, therefore, ordered and adjudged that said Bertha Wolf, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress approved March 1, 1901 (31 Stat.,861) and the application for her enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory,

JUL 27 1906

Muskogee, Indian Territory, July 28,1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Bertha Wolf, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Bertha Wolf, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

LM-42.

Commissioner.

CR EN 512

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
OKTAHA, I.T., June 17, 1904.

In the matter of the application for the enrollment of Lizzie, Nannie and Louisa Longbread as citizens by blood of the Creek Nation

Thlepullie (or James Bullet) being duly sworn testified as follows, through official interpreter, Amos McIntosh:

Examination by the Commission:

Q State your name, age and post office address? A Thlepullie or James Bullet; about 50; Oktaha.
Q Are you a citizen of the Creek Nation, Katchapataka town? AYes.
Q Are you well acquainted with the Creek Indians in this section of the country? A Yes.
Q Do you know Lizzie, Nannie and Louisa Longbread? A He says Lizzie must be a mistake; he says Nannie and Lyddie were two sisters;he thinks there must have been a mistake in putting Lizzie for Lyddie; there was one by the name,of Lizzie died when she was small, just about a year old when she died.
Q She was living at the time the $14.40 payment was made, was she? A Yes.
Q How long after that did she die? A Some little time after; he says his mother was a Longbread.
Q Did the Lyddie that you mentioned die before or after the Commission began making allotments in the Creek Nation?
A He says she is living; the report came that she was dead and then afterward they heard she wasn't dead; and it turned out that she was living now and Nannie now lives close to Tulsa and Lyddie lives up close to where the Illinois River runs into the Arkansas River.
Q Are you the father of Lyddie? A Yes.
Q And Nannie? A Yes.
Q How old is Lyddie now? A She's about 20; she has children.
Q She is married, is she? A Yes and Nannie is married too.
Q To whom is Lyddie married? A He never has seen him, don't know his name.
Q Is he a Creek? A He thinks he is a Cherokee.
Q Do you know whether Lyddie intends to take her allotment in the Cherokee Nation? A He said that her husband was against the taking of allotments over there and he inquired of her what she was going to do and she said she wasn't going to take any at all and afterwards he heard she wanted to see him about it but she has never come.
Q What is the name of her mother? A Tagee.
Q Her mother wasn't Dochee, then? A That's the same.
Q Is Nannie's husband a Creek or Cherokee? A Cherokee
Q Do you know whether Nannie intends to take her allotment in the Creek or Cherokee Nation? A Don't know. Never have seen her for a good long while.
Q Do you know whether Nannie is living now? A He said that his son told him that he heard from them that she was alive and he wrote to them but hasn't got any answer yet.
Q Is Lizzie a full blood Creek Indian? A Yes sir.
Q Is Nannie? A Yes, both of them.
Q What name does Lizzie go by at the present time? A Don't know.
Q And Nannie? A The husband's name is John Tesanney.

Q Has Lizzie any children? A She has two children and he heard that one died and don't know whether the other is living or not.
Q You don't know the names of either? A No sir.
Q Has Nannie any children? A I think that she didn't have any; don't know.
Q Is Annnie against the taking of allotments? A They started over here for her to take her allotment and got mad and went back home and he don't know what she wants to do now; his boy wrote to them though, to find out what they are going to do.
Q How about this Louisa? A There was one girl died while they lived in the Cherokee Nation.
Q Did you call her Louisa or Lucy? A Lisa.
Q You lived at one time then in the Cherokee Nation? A Yes over there close to Braggs.
Q Did you move to the Creek Nation before or after the Commission began to making allotments in the Creek Nation? A They commenced after I moved here.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 1st day of July, 1904.

Seal

Oliver O. Handle
Notary Public.

J.O.R.

Please inform me if any of the following names appear upon the Cherokee rolls, or list of applicants for enrollment in the Cherokee Nation.

Lajsie Longbread, Liddie (or Lyddie) Longbread, Liza Longbread, Nannie Longbread (or Nannie Tessanney), Tagee or Dochee (their mother) ~~xx~~ Lydia Leparlee and John Tessanney. J. Ld.

No one of the above persons can be identified on Cherokee roll or an applicant for enrollment as a citizen of the Cherokee Nation

3/23/07

En. 512
Cr.I.3173

JLDe
JWH

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of Lizzie Longbread, deceased, and Liza Longbread, deceased, as citizens by blood of the Creek Nation.

STATEMENT AND ORDER.

It appears from the records in the possession of this office that on May 23, 1901, the names of Lizzie Longbread and Louisa Longbread were listed for enrollment by the Commission to the Five Civilized Tribes on Creek Indian card, field number 3173; the names of said persons appearing on the 1895 pay roll of Ketchapataka town, Creek Nation, which listing was done in order to preserve whatever rights said persons might have as citizens of the Creek Nation. The listing of the names of said persons is considered in the nature of an original application for their enrollment as citizens by blood of the Creek Nation.

On June 17, 1904, testimony was taken in reference to said applications and a transcript thereof constitutes the record in this cause.

It appears from the evidence introduced in this matter that said Lizzie Longbread was living at the time of "the $14.40 payment" and that she died subsequently at the age of one year. It further appears from the testimony that the correct given name of Louisa is Liza and that said Liza died in the Cherokee Nation, but the date of her said death does not appear from the evidence. The Commissioner takes judicial notice that "the $14.40 payment" was made in the year 1895, and as said applicant, Lizzie, was living on that date and died at the age of one year, she must have been dead prior to April 1, 1899. Under the evidence, the Commissioner finds that neither Lizzie Longbread or Liza Longbread were living April 1, 1899.

In view of the foregoing, I am of the opinion that there is no authority of law for the enrollment of Lizzie Longbread, deceased, and Liza Longbread, deceased, as citizens by blood of the Creek Nation and the applications for their enrollment as such are accordingly dismissed.

COMMISSIONER.

Muskogee, Indian Territory,

FEB 17 190[illegible]

Mn. 812
Cr.I.3173

JLDo
JWH

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of Nannie Longbread and Lyddie Longbread as citizens of the Creek Nation.

D E C I S I O N.

It appears from the records in the possession of this office that on May 23, 1901, the name of Nannie Longbread was listed for enrollment by the Commission to the Five Civilized Tribes on Creek Indian card, field No.3173; the name of said person appearing on the 1895 pay roll of Ketchapataka town, Creek Nation, which listing was done in order to preserve whatever rights said person might have as a citizen of the Creek Nation. The listing of the name of said person is considered in the nature of an original application for her enrollment as a citizen by blood of the Creek Nation.

On June 17, 1904, testimony was taken in reference to said application and a transcript thereof constitutes the record in this cause.

In said testimony the name of Lyddie Longbread is mentioned and it appears therefrom that said Lyddie Longbread is a sister of the applicant, Nannie Longbread. Said Lyddie Longbread is identified as Lydia Separlee, No.168, on said 1895 pay roll of Ketchapataka town, said name being grouped thereon with that of Nannie Longbread and other members of the family to which she belonged.

The mentioning of the name of Lyddie in said testimony as aforesaid, will be considered and treated as an application for her enrollment as a citizen by blood of the Creek Nation.

Although the application for said Lyddie Longbread was not made within the time limited by the Secretary of the Interior, under the authority in him vested by the provisions of the Act of Congress approved March 3, 1901, jurisdiction of her said case was conferred by Section 1, of the Act of Congress approved April 26, 1906, said application having been made prior to December 1, 1905.

It appears from the evidence that said Nannie Longbread and Lyddie Longbread are full blood Creek Indians, are the daughters of Thlepullie, who is identified as James Bullet, opposite No.589, on the approved roll of citizens by blood of the Creek Nation and are residents of the Indian Territory. Although the evidence regarding said applicants is meager, there has been no controverting evidence introduced and in view of the fact that these persons must be enrolled immediately or not at all, the Commissioner believes he is warranted, under the evidence, in finding them entitled to enrollment.

- 2 -

It is, therefore, ordered and adjudged that Emmile Longcrend and Lydia Longcrend are entitled to enrollment as citizens by blood of the Cherokee Nation and the applications for their enrollment as such are accordingly granted.

COMMISSIONER.

Muskogee, Indian Territory,

FEB 27 1907

REFER IN REPLY TO THE FOLLOWING:

Ex.512.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 18, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Lizzie Longbread, et al., as citizens by blood of the Creek Nation, I have the honor to report that the Creek field party is unable to secure further evidence and copies of the record in said cause are returned herewith.

Respectfully,

In Charge of Creek Field party.

[redacted]
Cr.Z.2273.

Muskogee, Indian Territory, February 28, 1907.

Thlopullie (or James Bullet),
Okfuska, Indian Territory.

Dear Sir:

There is enclosed herewith copy of statement and order of the Commissioner to the Five Civilized Tribes, dated February 27, 1907, dismissing the application made by you for the enrollment of your minor children, Lissie Longbread, deceased, and Lina Longbread, deceased, as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

Registered.
MK-2.

Creek I. 4082.

Muskogee, Indian Territory, March 19, 1907.

Nannie Longbread,

Oktaha, Indian Territory.

Dear Madam:

You are hereby advised that your name is contained in a partial schedule of citizens by blood of the Creek Nation, approved by the Secretary of the Interior under date of March 4, 1907, and that a selection of land in the Creek Nation can now be made for yourself at the Creek Land Office in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Creek I. 4[illegible].

Muskogee, Indian Territory, March 19,190[illegible].

Lyddie Longbread,

Oktaha, Indian Territory.

Dear Madam:

You are hereby advised that your name is contained in a partial schedule of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 4, 1907, and that a selection of land in the Creek Nation can now be made for yourself at the Creek Land Office, Muskogee, Indian Territory.

Respectfully,

Commissioner.

RESIDENCE:

POST OFFICE: Bragg, I. T.

Nation. Roll.

CARD NO.

FIELD NO. 3173

Dawes' Roll No.		NAME.	Relationship to Person first Named.	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT. Year.	District.	No.	TRIBAL ENROLLMENT OF PARENTS. Name of Father.	Year.	District.	Name of Mother.	Year.	District.
Dead	1	Longbraid, Liggie		1	F	Full	1895	Kechapotata	165	Shleguthie	1895	Kichagabaka	Dochass	Dead	Arbika
	2	" Nannie	Sister	18	"	"	1895	"	166	"	1895	"	"	"	"
	3	" Louisa	"	4	"	"	1895	"	167	"	1895	"	"	"	"
	4														
	5														
	6						Shleguthie roll No. 1 has been dead 6 years								
	7						No 2 on 1890 roll as "Shinie" Page 132 marked dead								
	8														
	9												Shleguthie states that Nos 2 & 3 are living -		
	10												See Sworn Statement regarding this card.		
	11														
	12														
	13														
	14														
	15														
	16														
	17	Instrument & order [illegible]								Nos 1 & 3 To CLC 2-26-07					
	18	Recession including No 2, & also by this Card (to Lydia Separate) to CLC 2-26-07													

Stricken

May 23, 1901

CR EN 513

2818

D. C. 70.

Muskogee, Indian Territory, January 27, 1900.

Larfer Manley,

Eufaula, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your son, Robert Manley, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who knew the date of the death of said Robert Manley, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
EUFAULA, I.T. June 27, 1904.

D.A.F. E.M. 70

In the matter of the application for the enrollment of Robert Manley as a citizen by blood of the Creek Nation.

Lafa Manley being duly sworn testified as follows through Ames McIntosh, official interpreter:

Examination by the Commission:

Q State your name, age and post office address. A Lafa Manley; about 55; Eufaula.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what town do you belong? A Eufaula Canadian.
Q Do you make application for the enrollment of your son, Robert Manley, as a citizen by blood of the Creek Nation? A Yes sir.
Q What is Robert's mother's name? A Lizzie Manley.
Q Is she a Creek citizen? A Yes sir.
Q What town does she belong? A Eufaula Canadian.
Q Is Robert living? A No.
Q When did he die? A He don't remember the date.
Q Do you remember the year that Robert died? A He says he can't remember what year it was.
Q Can you read or write in English or Creek? A He can read Creek but can't write. Don't know any English.
Q Can any other members of your family read or write in English or Creek? A No; there's just him, and his wife and she can't read or write either.
Q Is your wife, Lizzie, living? A She's dead; he has got any other one; her name is Lizzie too.
Q How long has Lizzie, the mother of Robert, been dead? A My wife died about 4 years ago and Robert died just a little before she did.
Q Did you have your wife, Lizzie, the mother of Robert, enrolled by the Commission? A Yes sir.
Q Have you selected an allotment of land or did she select one for herself? A He selected her allotment after she died.
Q Was she living when you and your family were enrolled by the Commission A Yes sir.
Q Did you have her enrolled with you? A Yes sir.
Q Was Robert living then? A He was dead.
Q How long had he been dead when you had yourself and family enrolled? A About a year; he thinks.
Q Did you keep any record of the date of the death of Robert? A No sir.
Q Do you know whether anybody did? A I don't know.
Q Did you have a physician in attendance at Robert's last illness? A No sir; Indian doctor only.
Q How old was Robert? A About 12 years old he thinks.
Q Does his name appear upon the 1890 and 1895 Creek pay rolls? A Yes, he drew both payments
Q Under what name? A He said his right name was Rob.
Q Did Robert go to school? A Yes sir.
Q Where? A Eufaula High School.
Q By what name was he known there? A Robert Manley.
Q Was he taken sick at school? A Yes, but he brought him home before he took down; he was feeling sick but had not been down.
Q How long before he died did you take him from school? A Don't believe it was over a week.
Q Was Robert's mother a full blood Creek? A Yes sir.

Did you have to pay tuition for Robert at Eufaula High School? A No sir, it was a national school; didn't have to pay.
Q You executed a death affidavit, didn't you, in regard to the death of your son, Robert Manley? A Yes sir.
Q You stated in that affidavit the date of the month and year on which Robert Manley died; where did you get that date? A He says that he had studied over the matter and he had inquired around and it seemed that that was the date he died; but as near as he could come at it and think about it he thinks that's the date he died; he wasn't positive himself that that was the very date he died on. It seems like somebody had made this memorandum of that date for him and he made the application through that.
Q Where is Robert buried? A About a mile from here; near Luster Williams'.
Q Is the date of the death written on his head board? A He is satisfied it was put on there.
Q Do you remember when the smallpox was so bad in the western part of the Creek nation? A Yes sir.
Q Was Robert living then or dead? A He was dead then.
Q Did he have the smallpox? A No.
Q Why didn't he? A I don't know.
Q Did you say he was alive then or dead? A He was dead before that.
Q How long before that? A I don't remember.
Q I am referring now to the smallpox epidemic when so many people died in the western part of the Creek Nation, that's the time you refer to is it? A Robert was living when he heard of so many dying up west of here; he means he was dead when the smallpox came in here.
Q What was the cause of Robert's death? A His head swelled up; he could not eat; his mouth and gums swelled up.
Q Have you ever consulted a lawyer in this case? A No sir.
Q Did Robert die in the summer, spring, fall or winter? A He said it was warm weather; he don't remember whether it was summer or spring but believes it was along in Spring.
Q Do you know whether the Creek Land office in Muskogee had opened when Robert died? A Don't remember whether the land office had opened; he said the land office had opened a good while before he knew anything about it; he don't know whether he was living then or dead.
Q Do you remember when the Commission went out before this time all through the Creek Nation and took the names of the Creek citizens- the Dawes Commission? A Yes, he remembers.
Q Was Robert living then? A Yes sir.
Q How long after that before he died? A About a year after that I think

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 1st day of July, 1904.

Seal

Oliver C. Hinkle.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. July 9, 1904.

In the matter of the application for the enrollment of Robert Manley as a citizen by blood of the Creek Nation.

Lafe Manuel being duly sworn testified as follows through Amos McIntosh, official interpreter.

Examination by the Commission:

Q State your name, age and post office address? A Lafe Manuel; Eufaula; about 55.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Are the identical Lafe Manuel who on June 27, 1904, testified in the matter of the death of Robert Manley? A Yes sir.
Q Have you since gone to the grave of Robert Manley and examined the head board? A Yes sir; he says he just went there and examined a day or two ago.
Q What is the date of his death written on that head board, and is it still legible? A Yes sir, if he remembers right it was on the 18th day of May 1897.
Q Are you positive that the year is 1897? A Yes sir; shows plain 1897.
Q It shows plainly as I understand you, then, that Robert Manley died in 1897? A Yes sir.
Q When was that written on that head-board? At the time he was buried? A Yes sir.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 9th day of July, 1904.

My Commission Expires January 19th 1908.

Seal

Wm. T. Martin Jr.
Notary Public.

UNCLASSIFIED

70

IN RE
THE DEATH OF
Robert Manley
a citizen of the
Creek Nation.

Approved _____ 190_

_____
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Filed Mar 3 1902

_____
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Robert Manley
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near
Eufaula, Ind. Ter., and died on the 28 day of
(Here insert name of postoffice.)
May, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Larper Manley, on oath state that I am 50 years of age and a citizen, by Blood, of the Creek Nation; that my post office address is Eufaula, Ind. Ter.; that I am
(Here insert name of post office.)
Father of Robert Manley,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation; and that said Robert Manley died on the 28 day of
(Here insert name of deceased.)
May, 1900.

Larper Manley

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 2 day of June 1902.
1904

Thos. F. Moore
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Jobe Belahee, on oath state that I am 37 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Robert Manley
(Here insert name of deceased.)
who was a citizen, by Blood, of the Creek Nation; and that said Robert Manley died on the 28 day of
(Here insert name of deceased.)
May, 1900.

Jobe Belahee his x mark

WITNESSES TO MARK:

(Must be Two Witnesses.)

Jim Ransom
1904 Joseph Schafer

Subscribed and sworn to before me this 2 day of June 1902.

Thos. F. Moore
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert Manley, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on June 27, 1904, Lafa Manley appeared before the Commission at Eufaula, Indian Territory, and made application for the enrollment of his minor child, Robert Manley, deceased, as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Eufaula, Indian Territory, on June 29, 1904.

The evidence shows that said Robert Manley died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Robert Manley, deceased, as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHAIRMAN.

COMMISSIONER.

C. R. Breedlove.
COMMISSIONER.

DATED AT MUSKOGEE, I.T.

OCT 11 1904

Creek Reg. #15

Muskogee, Indian Territory, October 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Robert Manley as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Through the Commissioner
of Indian Affairs.

HGH-c-10-17

Ref 218

Muskogee, Indian Territory, October 17, 1904.

Lafe Manley,

Eufaula, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Robert Manley as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register

HGH-a-10-17

En. 515

Muskogee, Indian Territory, October 17, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Robert Manley as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,
Chairman.

HGH-b-10-17

DEPARTMENT OF THE INTERIOR E.A.P.

I.T.D. 11062-1904. WASHINGTON B/H

E.B.C. November 4, 1904.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

On October 17, 1904, the Chairman of the Commission transmitted the record in the matter of the application for the enrollment of Robert Manley, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commission dated October 11, 1904, denying the application.

Reporting October 28, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department herewith affirms your decision.

Respectfully,

(Signed) F. L. Campbell,

Acting Secretary.

1818

Creek No. 818.

Muskogee, Indian Territory, November 14, 1904.

Lafe Manley,

Eufaula, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of November 4, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying your application for the enrollment of Robert Manley as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Register.

Cr. No. 813

Muskogee, Indian Territory, November 14, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 4, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of Robert Manley as a citizen by blood of the Creek Nation.

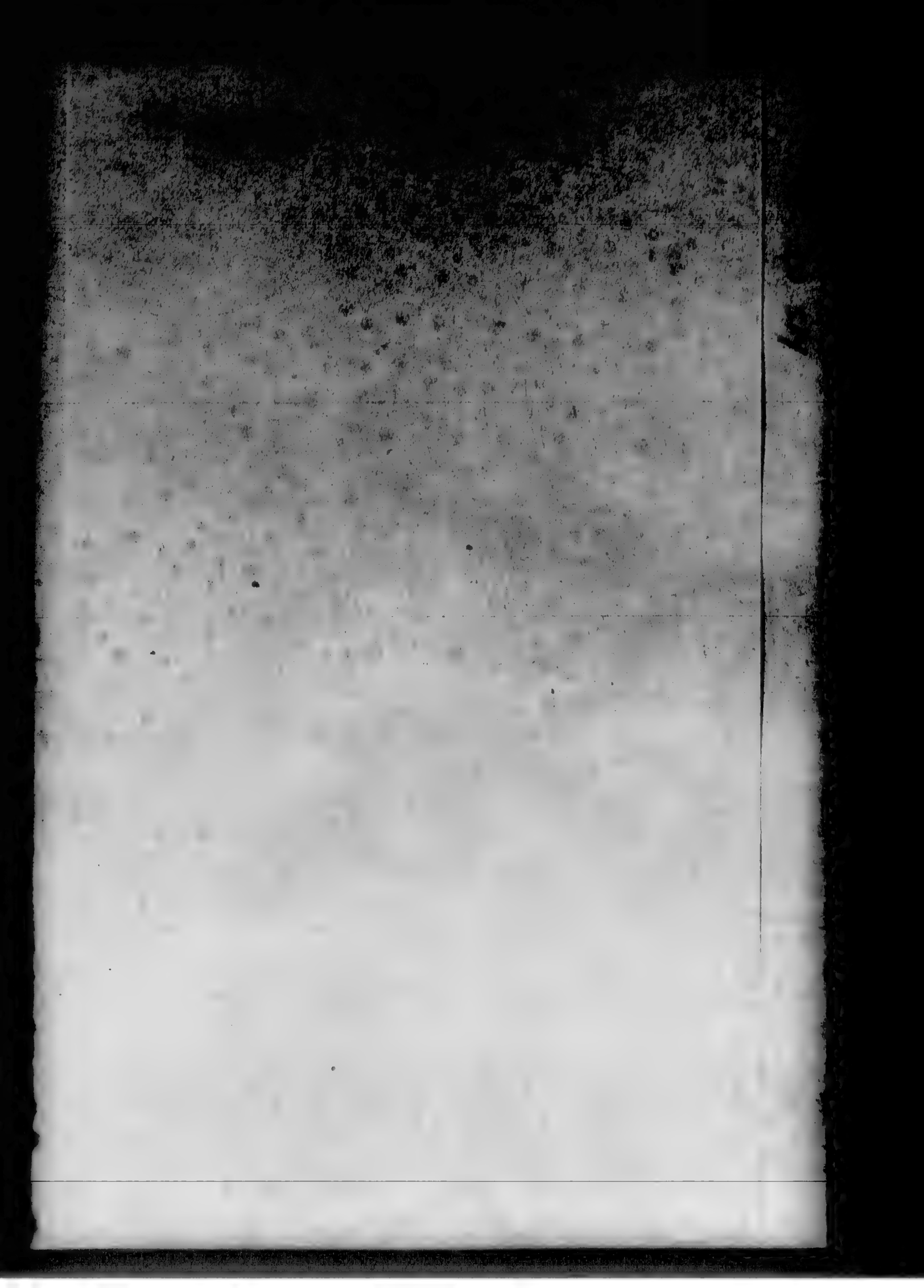
Respectfully,

Chairman.

Indian Office,
Incl. No. 2
1904

77896

Department of the Interior,
RECEIVED.
OCT 29 1904
Enc. No. 3 of No. 11056
Indian Territory Division.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 1, 1904.

In the matter of the application for the enrollment of Maggie and Rudolph Jones and Betty and Edith Franklin as Creek Freedmen.

APPEARANCES: N. E. Hall, Att'y for Creek Nation.

Maggie Jones, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Maggie Jones.
Q How old are you? A Forty-six, the 4th of July.
Q What is your post office address? Muskogee.
Q Do you make application to be enrolled as a Creek Freedman? A Yes, sir.
Q Have you a child for whom you wish to apply? A Yes, sir.
Q What is its name? Rudolph Jones.
Q How old is he? A Fifteen, on the 26th of August.
Q What is the name of his father? A Quinnie Jones.
Q He living? A Yes, sir.
Q Do you claim he is a citizen of the Creek Nation? A No, sir.
Q Do you claim he is a citizen of any tribe in Indian Territory? A No, sir.
Q He is a state man is he? A Yes, sir.
Q Did you say you live in the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A I think I been here this time going on fifteen year.
Q Where did you live before that? A In Texas.
Q How long did you live in Texas? A I don't know, sir.
Q Were you raised in Texas? A Not exactly.
Q Where were you born? A In Arkansas.
Q How long did you live in Arkansas? A I don't know.
Q How old were you when you left there? A I guess I was about five years old.
Q Where did you go to from there? A Come to the Territory and kept on to Texas.
Q Didn't stop to live in the Territory? A Stayed here three weeks.
Q And then you went on through the Territory to Texas? A Yes, sir.
Q Did you live in Texas then until you came here about fifteen years ago? A I been back before I come back to live.
Q Did you come back here on a visit or come back to make it your home? A I come back to make it my home.
Q How long did you stay then? A I stayed over a month.
Q And then did you go back to Texas? A Yes, sir, and come back again.
Q And core back here fifteen years ago? A Yes, sir, about that.
Q To what town in the Creek Nation do you claim to belong? A I think Canadian Town, I don't know.
Q You been informed that it is Canadian Town? A Yes, sir.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Was any money ever drawn for your boy, Rudolph? A No, sir.
Q Did you ever make application to be admitted to citizenship in the Creek Nation? A Yes, sir.
Q When? A I made application--My atterney informed me that he did.

The records of the Commission examined and it appears that Maggie Jones, formerly McQueen, Betty Franklin, formerly McQueen, David McQueen, Kate and Rudolph Jones, minor children of said Maggie Jones, and Edward Anderson, son of Roger McQueen, deceased, made application to the Commission, under the act of June 28, 1898 (30 Stat., 495), that the application

and denied by the Commission and that no appeal was taken from the decision thereof.

Q Name to the name of your mother? A Clara McQueen.
Q Is she living or dead? A Dead.
Q [illegible] she had any rights in the Creek Nation? A No, sir, [illegible] she did.
Q [illegible] Maggie Jones a state woman? A Yes, sir.
Q You made your claim through your mother? A Yes, sir.
Q What is the name of your father? A Ketch McQueen.
Q Is he living or dead? A Dead.
Q How long has he been dead? A He been dead about----about twenty-six years.
Q Where did he live when he died? A He lived out a piece from town.
Q In the Creek Nation? A Yes, sir.
Q How long had he been living in the Creek Nation before he died?
A I don't know.

The roll made by J. W. Dunn prior to March 14, 1867 examined and the name of Ketch McQueen not found thereon, nor is the applicant Maggie Jones identified thereon.

The 1890 and 1895 Rolls of the Creek Nation examined and Maggie and Rudolph Jones or neither of them identified thereon, nor are they identified on the 1891 Omitted and the 1895 Omitted Rolls of the Creek Nation.

Betty Jenkins, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Betty Jenkins.
Q How old are you? A Thirty-three.
Q What is your post office address? A Muskogee, Indian Territory.
Q You have a child for whom you wish to apply? A Yes, sir.
Q You make application for the enrollment of yourself and child as Creek Freedmen? A Yes, sir.
Q What is the name of the Child? A Ketch Jenkins.
Q How old is he? A Four.
Q What is the name of the father of Ketch Jenkins? A Jent Jenkins.
Q He a citizen of the Creek Nation? A No, sir.
Q Is he a state man? A Yes, sir.
Q Where were you born? A I don't know. I can't tell.
Q How long you lived in the Creek nation? A I growed up here.
Q Ever draw any money from the Creek Nation? A No, sir.
Q What is the name of your father? A Ketch McQueen.
Q What is the name of your mother? A Ann McQueen.
Q Is Ann McQueen a citizen of the Creek Nation? A No, sir.
Q A state woman? A Yes, sir.
Q Is Maggie Jones your sister? A Yes, sir.
Q Did you come to the Creek Nation when she did? A No, sir, I come before she did.
Q who did you come with? A I come with my father. I was a little girl.
Q Your name was, at one time, Betty Franklin? A yes, sir. I been married twice my first husband was a Franklin.

It appearing that Maggie Jones and Betty Jenkins are sisters their application are consolidated and will be treated as one case.

---oooOOOooo---

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to this 18th day of July, 1904.

Charles Hamperson
Notary Public.

E.C.Y.
No. 814
8853

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Maggie and Rudolph Jones, and Betty and Keteh Jenkins as Creek Freedmen.

DECISION.

The record in this case shows that on July 1, 1904, Maggie Jones appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Rudolph Jones, as Creek Freedmen, and that on the same day Betty Jenkins appeared and made application for the enrollment of herself and her minor child, Keteh Jenkins, as Creek Freedmen.

The evidence shows that none of the applicants are identified on the Dunn Roll, and that none of them are the descendants of a person whose name appears on said roll.

The evidence further shows that none of the applicants are identified on any of the tribal rolls of the Creek Nation in the possession of the Commission, nor have they, or any of them, been admitted to citizenship in said nation.

The evidence further shows that the principal applicant herein made application to the Commission for admission to citizenship in the Creek Nation under the provisions of the act of Congress, June 10, 1896, (29 Stats., 321); that the application was denied, and that no appeal was taken from the decision then rendered.

It is therefore the opinion of the Commission that there is no authority of law for the enrollment of said Maggie Jones, Rudolph Jones, Betty Jenkins and Keteh Jenkins, as Creek Freedmen, and that their application as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER

C. R. Breckinridge.
COMMISSIONER.

DATED AT MUSKOGEE
INDIAN TERRITORY.
OCT 11 1904

No. 844.

Muskogee, Indian Territory, October 17, 1904.

A. L. Wath,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Maggie and Rudolph Jones as Creek Freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

HGH-26-10-17.

Creek No. 514

Muskogee, Indian Territory, October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Maggie and Rudolph Jones as Creek Freedmen, including the decision of the Commission, dated October 11, 1906, denying said application.

Respectfully,

Tams Bixby.

Chairman.

Through the Commissioner of
Indian Affairs.

MGH-27-10-17

En. 814

Muskogee, Indian Territory, October 17, 1904.

Maggie Jones,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your minor child, Rudolph Jones, as Creek Freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby,
Chairman.

Register.

WOw-85-10-17

No. 834.

Muskogee, Indian Territory, October 17, 1904.

Dyer Jenkins,

Muskogee, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and your minor child, Ketch Jenkins, as Creek Freedmen.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register.

N O N 10-17.

TCH

Creek No. 514

Muskogee, Indian Territory, October 17, 1906.

The Secretary,

The President of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Maggie and Rudolph Jones and Betty and Ketch Jenkins as Creek Freedmen, involving the decision of the Commission, dated October 11, 1906, denying said application.

Respectfully,

Tams Bixby.

Chairman.

Through the Commissioner of Indian Affairs.

NCK-27-10-17.

DEPARTMENT OF THE INTERIOR

Land
74098-1904.

OFFICE OF INDIAN AFFAIRS

WASHINGTON October 28 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose herewith,a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application for enrollment as Creek freedmen by Maggie Jones, for herself and her minor child, Rudolph Jones; and by Betty Jenkins for herself and her minor child, Ketch Jenkins.

October 11, 1904, the Commission decided adversely to all of the applicants.

The record shows that the principal applicant, Maggie Jones, x under the name of Maggie McQueen, has heretofore made application to the Commission under the act of June 10, 1896, (29 Stats., 321); that the application was denied by the Commission and that no appeal was taken.

The evidence shows that none of the applicants is identified on any of the Creek tribal roll, nor have they been admitted to citizenship by the Creek Nation or any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully

A.C.Tonner

Acting Commissioner

M.M.M.
W.

DEPARTMENT OF THE INTERIOR E.A.F

I.T.D. 11090-1904. WASHINGTON RJH

November 4, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, I.T.

Sir:

On October 17, 1904, [illegible] transmitted the record in the matter of the application for the enrollment of Maggie Jones, Rudolph Jones, Betty Jenkins and Katie Jenkins as Creek freedmen, together with your decision of October 11, 1904, denying said application.

The Acting Commissioner forwarded the papers on October 28, and recommended approval of your decision. A copy of his letter is enclosed.

The Department hereby affirms your decision in said case.

Respectfully,

(Signed) F. L. Campbell,

Acting Secretary.

1 inclosure

[illegible], Indian Territory, December 14, 1904.

Betty Jenkins,

[illegible], Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of November 4, 1904, approved the application of the Commissioner to the Five Civilized Tribes, dated October 11, 1904, denying your application for the enrollment of yourself and your child, Peter Jenkins, as Creek Freedmen.

Respectfully,

Chairman.

Register.

8.913

Cr. En. 316

Muskogee, Indian Territory, November 14, 1904.

Maggie Jones,

[redacted]

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of November 4, 1904, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 11, 1904, denying your application for the enrollment of yourself and your child, Rudolph Jones, as Creek Freedmen.

Respectfully,

Chairman.

Register.

Gr. No. 814

Muskogee, Indian Territory, November 14, 1904.

M. L. Mott,

Attorney for Creek Freedmen,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 4, 1904, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of Maggie and Rudolph Jones, and Betty and Ketch Jenkins, as Creek Freedmen.

Respectfully,

Chairman.

In re- Application

[illegible] Power for

[illegible]

Affidavit of

Silla. Franklin.

The United States of America ♦ Before me the undersigned Authorit

Western District of Indian Territory ♦ Personally Came Silla Franklin

who being by me duly sworn on Oath says. That she is the Sister of Koteh. McQueen, and that she and Koteh McQueen were the slaves of Mrs ----------

------Mc Queen who was a Creek Indian Woman; and that she and the said Koteh McQueen were the slaves of said Mrs McQueen and were Freed by emancipation Proclamation; and that Maggie. Jones (Ma Maggie McQueen) is the daughte of the said Koteh McQueen; and the Grand Daughter of Nagar. McQueen. or Nagar. Counsel. and that the said Maggie. Jones was also the slave of the said Mrs ----------McQueen and that she Silla Franklin is 70. years of age and is a Creek Freed woman and duly enrolled as [redacted]

Witness to mark
L. L. Lanigan

Silla Franklin
her mark

Sworn to and subscribed before me on this the 11th day of June 1906

Lanigan

My Commission Expires
1907

Lanigan
Notary Public W.D.I.T

In Application of

Maggie. Jones Pet .

RESPONDENT.

Affidavit of

Tobe . Franklin.

The United States of America.
Western District Indian Territory.

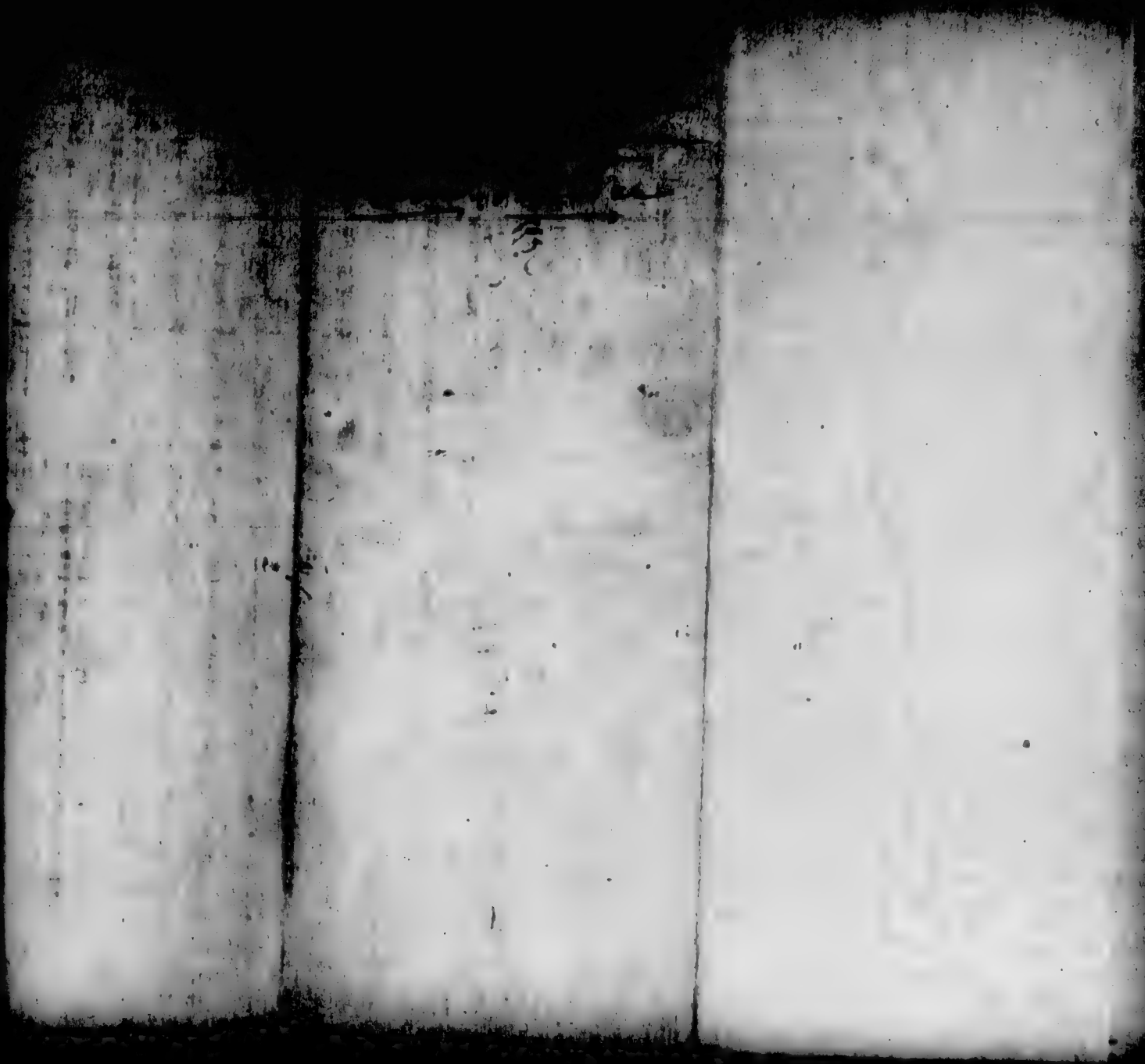
Before Me the Undersigned Authority
On me Tobe Franklin who being by me
first duly sworn on oath says
that he is an Creek freed-man 55years of age and that he is a duly enrolled
citizen of the Creek Nation .And that he was well acquainted with Kotch.
McQueen during his life-time and knows that the said Kotch McQueen was
the slave property of Mr[illegible]McQueen was he a Creek Indian woman
by blood.and that Mrs Maggie. Jones is the daughter of the said Kotch
McQueens.and was also a slave of the said Mrs McQueens.and was freed by
emancipation proclamation.

Tobe Franklin

Sworn to and Subscribed before Me on this the 15 day of June 1901

My Commission Expires 7th day of Oct. 1907

Notary. Public. W.D.I.T



[illegible]

[illegible] States of America. Before me the Undersigned Authority [illegible]

[illegible] District Indian Territory. [illegible] Prince who

[illegible] being by me duly sworn on oath says.

[illegible]

[illegible] said [illegible] and [illegible] the above property of

[illegible] ----McQueen. And that he Abe. Prince is 60 years of age and

is a [illegible] enrolled Creek Freedman and was well acquainted with all the

[illegible] herein named during their life-time

[illegible] to mark

[illegible] L. L. Lanigan

Abe + Prince

[illegible] and subscribed before me on this the 5 day of [illegible] 1906.

L[illegible] L. Lanigan

Notary. Public. W.D.I.T.

7th My Commission Expires
-----day of [illegible] 1907

Maggie Jones

vs.

James Cummins

for

Enrollment

CREEK EN[illegible]OLLMENT.

~~BROOK &~~ BROOK

ATTORNEYS FOR

MUSKOGEE, I. T.

Eastern District, Indian Territory.

Commission to the Five Civilized Tribes,

Sitting in Muskogee.

[redacted]

to said Commission to have herself and said children enrolled as Creek Freedmen, but was rejected and denied enrollment by this Commission; that she was born in the Creek Nation, Indian Territory, and has long resided in said Creek Nation; that her near of kin are enrolled and that she feels that an injustice has been done to her and her said children in that they were denied enrollment.

Wherefore she asks that she be granted a new trial upon her application for the enrollment of herself and her said children above named and that the affidavits herewith filed be considered and accepted as evidence in her behalf and that a day be designated and set for a new hearing of her said application to the end that she may introduce her ample proof of citizenship and that justice may be done to her.

Eek & Brett

Attorneys for Applicant.

[illegible]

[illegible], Indian Territory, January 28, 1907.

The Honorable,

The Secretary of the Interior.

SIR:

The Department under date of November 12, 1904 (I.T.D. 11870-1904) affirmed the decision of the Commission to the Five Civilized Tribes dated October 11, 1904, denying the application for the enrollment of Maggie Jones et al. as Creek freedmen.

There is transmitted herewith for Departmental consideration motion to reopen said cause, supported by affidavits filed with this office June 28, 1906.

The statements set forth in said motion as grounds for reopening are merely general in character and there is nothing contained therein which if supported by evidence would establish the right of said applicants to enrollment.

In view of the facts in the case as set out in said decision of the Commission I respectfully recommend that

[redacted]

[redacted]

[redacted]

[redacted]

Through the Superintendent
of Indian Affairs.

Ins. 08-33-1

February 12, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir :--

The motion to reopen the Creek freedman case of Maggie Jones, et al., received with your letter of January 25, 1907, and Indian Office letter of February 7, 1907, (Land 8888), is hereby denied. Even if a prima facie case for further investigation had been made out by the motion, the Department would not be warranted in reopening the case, in view of the provisions of Section 2 of the Act of April 26, 1906, (34 Stat., 137), relative to the completion of the rolls of the Five Civilized Tribes.

A copy of the Indian Office letter is inclosed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

1 inc. and 6 to Ind. Of.

(0 2 7)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
77898-1904
8251-1907

February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of November 4, 1904, (I.T.D. 11090-1904), affirming the decision of the Commission to the Five Civilized Tribes in rejecting the application for the enrollment of Maggie Jones, Rudolph Jones, Betty Jenkins and Ketch Jenkins, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 22, 1907, enclosing, for Departmental consideration, a motion to re-open this case, supported by the affidavits filed on June 22, 1906.

The motion to re-open is in general terms, and sets out practically the same points that were considered in the original record.

The applicant sets out that she was born in the Creek Nation, and has long been a resident thereof, and that her near of kin have been enrolled; that she feels an injustice has been done her in the denial of her enrollment, and asks that the affidavits be considered as evidence. The affidavits filed cannot be considered as evidence, and do not come within the requirements in support of the motion as filed in this case. The only

Cr. T. 116 CH

Muskogee, Indian Territory, March 5, 1907.

Betty Jenkins,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that under date of February 14, 1907, the Department denied the motion for rehearing filed in the matter of the application for the enrollment of yourself and others as citizens of the Creek Nation.

Respectfully,-

Commissioner.

Ord. P. [illegible]

Muskogee, Indian Territory, March 8, 1907.

W. H. Brock,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of February 12, 1907, the Department denied the motion for rehearing filed in the matter of the application for the enrollment of Maggie Jones et al. as citizens of the Creek Nation.

Respectfully,

Commissioner.

Gr. 7, 906.

Muskogee, Indian Territory, March 8, 1907.

Maggie Jones,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that under date of February 16, 1907, the Department denied the motion for rehearing filed in the matter of the application for the enrollment of yourself and others as citizens of the Creek Nation.

Respectfully,

Commissioner.

Applicant is identified on partial list of Creek Freedmen approved by Secretary of the Interior March 13, 1902, Roll No. 1431.

Citizenship Certificate issued Feb. 14, 1900 and land allotted same date. [illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Checotah, I.T. June 21, 1904.

T. 118?.

In the matter of the application for the enrollment of Jack Toney as a Creek Freedman.

Jake Toney being duly sworn testified as follows:

Examination by the Commission:

Q State your name, age and post office address. A Jake Toney; going on 31, Checotah.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Canadian.
Q What was your father's name? A Jack Toney.
Q What was your mother's name? A Lila Toney before she was married; her daughter's name was Jessie Franklin.
Q Did your mother ever go by the name of Delila Halls? A Yes sir; her last husband's name was Alex Halls.
Q What was your father's father's name? A Toney.
Q What was your father's mother's name? A Midda.
Q Who was Jack Gouge? A That's my father's boss' name; that's what they called him- Jack Gouge- they used to call him master; his father's name was Toney and he would go by Jack Toney and that would throw me Jake Toney.
Q Your father was sometimes called Jake ~~Toney~~ Gouge? A Yes sir, sometime; they called him by mother's name but that aint his right name.
Q Here is a man named Jack Toney whose father was Jack Gouge and whose mother was Lila Franklin. A Well, sir; that's my mother's name; but after she married that ought to be going by her master's name; but that must be put down on the town roll by mistake.
Q Were you ever confined in a jail? A I been in once at Muskogee. That's the time we been in there and they put down our names.
Q Your name was put down by the Commission once when you were in jail? A Yes sir; the Commission put down my name while I was in jail.

Henry C. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Haines

Subscribed and sworn to before me this 1st day of July, 1904.

Seal

Oliver O. Kinsle

Notary Public.

RESIDENCE: Rush Hill [illegible] TOWN: I.S.
POST OFFICE:

Creek Nation. Freedmen Roll.

CARD NO.
FIELD NO. 1107

Dawes' Roll No.		NAME.	Relationship to Person first Named.	AGE.	SEX.	TRIBAL ENROLLMENT. Year.	Town.	No.	SLAVE OF—	REMARKS.
	1	Toney Jack		21	M		Canadian			
	2									
	3									
	4									
	5									
	6									
	7									
	8						No 1 may be dup of Jack Toney No [illegible]			
	9									
	10									
	11									
	12								In Minors	
	13									
	14									
	15									
	16									
	17									
	18									

[illegible]

6—3044

ADDITIONAL INFORMATION ON REVERSE SIDE.

Printed numbers in first column refer to ... on reverse side.

	NAME OF FATHER.	FATHER'S TRIBAL ENROLLMENT. Year.	Town	No.	FATHER'S OWNER.	NAME OF MOTHER.	MOTHER'S TRIBAL ENROLLMENT. Year.	Town	No.	MOTHER'S OWNER.
1	Jack Gauge Dead		DR	1286	Mitchell Gauge	Eliza Franklin		Canada		Mitchell Gauge
2										
3										
4										
5										
6										
7						Eliza Franklin on DR 1315				
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										

6—1044

CR 60 W6

CR 60 516

, D.C. [illegible].

Muskogee, Indian Territory, February 1, 1904.

George Wolf,

Checotah, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your son, George Wolf, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who knew the date of the death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHECOTAH, I.T. JUNE 30, 1904.

In the matter of the application for the enrollment of George Wolf as a citizen by blood of the Creek Nation.

Sam Richards being duly sworn testified as follows through official interpreter, Amos McIntosh:

Examination by the Commission:

Q State your name, age and post office address? A Sam Richards;about 55; Checotah.
Q You are a citizen of the Creek Nation? A Yes sir.
Q Did you know George Wolf? A Yes.
Q A child of George Wolf? A I knew the child but didn't know it had that name.
Q Was the mother of that child your daughter? A Yes.
Q Do you know when that child was born? A Don't know the date of the month but it was in December; a little before Christmas in 1900.
Q How long did that child live? A Lived only after New Years when its mother died a little after New Years and the child lived about two weeks after its mother died; it was along about a month old when it died.
Q It wasn't two months old, then, when it died? A No.
Q How do you fix the date of the birth of that child? A He said that the child was born right at Christmas and he knew that the mother had got up befor 10 days and that way took sold and took a relapse and died and he had a baby himself that his wife bore about that time and by that he knows it.
Q Your wife then was confined, as I understand you, shortly after your daughter gave birth to this child, George? A Yes; my daughter died on the 1st day of January and on the 3rd day of January they was putting her away and my wife went over to bury her and took sick and when I brought her back home she had the child; he made a record of that.
Q Have you that record with you? A Yes.
Q What were the names of these children that your wife gave birth to at that to? A Willie and Lillie Richards, twins.

There is exhibited a record of the birth of Lily May and Willie Richard, which reads as follows: "Lilly May and Willie Richard born January th 3 1901."

Q How long after the birth of this child was that record made? A My wife made this record here; he don't know exactly how long it was;I don't think it was a week.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and corr ct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6th day of July, 1904.

(Seal)

W. T. Martin Jr.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHECOTAH, I.T. JUNE 20, 1904.

In the matter of the application for the enrollment of George Wolf as a citizen by blood of the Creek Nation.

Sam Richards being duly sworn testified as follows through official interpreter, Amos McIntosh:

Examination by the Commission.

Q State your name, age and post office address? A Sam Richards; about 55; Checotah.
Q You are a citizen of the Creek Nation? A Yes sir.
Q Did you know George Wolf? A Yes.
Q A child of George Wolf? A I knew the child but didn't know it had that name.
Q Was the mother of that child your daughter? A Yes.
Q Do you know when that child was born? A Don't know the date of the month but it was in December; a little before Christmas in 1900.
Q How long did that child live? A Lived only after New Years when its mother died a little after New Years and the child lived about two weeks after its mother died; it was along about a month old when it died.
Q It wasn't two months old, then, when it died? A No.
Q How do you fix the date of the birth of that child? A He said that the child was born right at Christmas and he knew that the mother had got up befor 10 days and that way took cold and took a relapse and died and he had a baby himself that his wife bore about that time and by that he knows it.
Q Your wife then was confined, as I understand you, shortly after your daughter gave birth to this child, George? A Yes; my daughter died on the 1st day of January and on the 3rd day of January they was putting her away and my wife went over to bury her and took sick and when I brought her back home she had the child; he made a record of that.
Q Have you that record with you? A Yes.
Q What were the names of these children that your wife gave birth to at that to? A Willie and Lillie Richards, twins.

There is exhibited a record of the birth of Lily May and Willie Richard, which reads as follows: "Lilly May and Willie Richard born January th 3 1901."

Q How long after the birth of this child was that record made? A My wife made this record here; he don't know exactly how long it was; I don't think it was a week.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 6th day of July, 1904.

My Commission expires January 4th 1908.

(Seal)

Wm F Martin Jr
Notary Public.

43 Ch Cand 871

IN RE
THE DEATH OF

Geo. Wolf

a citizen of the

..... Nation.

Approved 190

..... Commissioner.

Lived about one month
Not entitled to
enrolement.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Aug 30, 1901
Chairman.

8/30/01

(Copy)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of George Wolf
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Checotah, Ind. Ter., and died on the 25th day of
(Here insert name of postoffice)
December, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } DISTRICT. }

I, Geo. Wolf, on oath state that I am 30 years of age and a citizen, by blood, of the Creek Nation; that my postoffice address is Checotah, Ind. Ter.; that I am
(Here insert name of postoffice.)
the father of George Wolf,
(State relationship as: the father, an uncle, a cousin, etc.) (Here insert name of deceased)
who was a citizen, by blood, of the Creek Nation;
and that said George Wolf died on the 25th day of
(Here insert name of deceased.)
December, 1900. Geo. his x mark Wolf

WITNESSES TO MARK:

(Must be Two Witnesses.) { J B Lucas
J L Price

Subscribed and sworn to before me this 14 day of Aug 1901.

K.H. Shepherd
Notary Public.

(Seal)

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, } Northern DISTRICT. }

I, Wm Wolf, on oath state that I am 65 years of age, and a citizen by blood, of the Creeks Nation;
that my postoffice address is Checotah, Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with George Wolf
(Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said George Wolf died on the 25th day of
(Here insert name of deceased)
December, 1900. Wm his x mark Wolf

WITNESSES TO MARK:

(Must be Two Witnesses.) { J B Lucas
J L Price

(Seal)

Subscribed and sworn to before me this 14th day of August 1901.

K.H. Shepherd
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Wolf as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on June 30, 1904, Sam Richards appeared before the Commission at Muscogee, Indian Territory, and made application for the enrollment of his nephew, George Wolf, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said George Wolf was born in the month of December, 1900, and died within one month thereafter.

It is therefore the opinion of the Commission that there is no authority of law for the enrollment of said George Wolf, deceased, as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN.

COMMISSIONER.

C. R. Breedlove

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

OCT 11 1904

No. 616.

Muskogee, Indian Territory, October 27, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George Wolf as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

JOT-4.

[illegible]

[illegible], Indian Territory, October 15, [illegible]

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of George Wolf, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Tams Bixby.
Chairman.

Through the Commissioner
of Indian Affairs.

HGH-21-10-17

No. 819.

Muskogee, Indian Territory, October 17, 1899.

Sam Kinderwa,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of George Wolf, deceased, as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Register.

JOT-3.

Copy

DEPARTMENT OF THE INTERIOR,

I.T.D. 11080-1904. November 3, 1904.

Dis

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

On October 17, 1904, the Chairman of the Commission transmitted the record in the matter of the application for the enrollment of George Wolf, deceased, as a citizen by blood of the Creek Nation, including your decision of October 11, 1904, denying the application.

The Acting Commissioner of Indian Affairs forwarded the papers October 28, and recommended ~~the~~ approval of said decision. A copy of his letter is enclosed herewith.

The Department affirms your decision.

Respectfully,

F.L.Campbell

Acting Secretary.

1 inclosure.

516

Copy

October 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application made June 29, 1904, for the enrollment as a citizen by blood of the Creek Nation, by Sam Richards for his deceased nephew, George Wolf.

October 11, 1904, the Commission decided adversely to the applicant.

The record shows that George Wolf was born in December 1900 and died within one month of that date.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

(M.M.M.)P.

[redacted]

[redacted]

[redacted]

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 3, 1904, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of George Wol[redacted], deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of November 3, 1904, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 11, 1904, denying your application for the enrollment of your nephew, George Wolf, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Register.

CR EN 517

EN 517

[redacted]

[redacted], June 12, 1906.

In the matter of the application of Lonnie William for the enrollment of himself as a citizen of the Creek Nation.

Lonnie William being duly sworn, testified as follows:

Examination by the Commission:

Q State your name, age and post office address? A Lonnie William; Checotah now; I was born in '76.
Q Do you make application for the enrollment of yourself as a citizen of the Creek Nation? A Yes sir.
Q Are you married? A Yes sir.
Q How long have you been married? A I married toward the last of last year; married.
Q Have you any children? A Never had a one.
Q By your present wife? A Yes sir.
Q Since you were married? A Yes sir.
Q You have no other children? A I have one here at Denver Colorado.
Q To what Creek Indian ton do you belong? A I disremember now what town I did belong to; they wouldn't allow me to vote here last year; they won't allow you to vote only you are enrolled; they got different names of the towns; I would be in the same town that Mr. Perryman, wouldn't I? the same town he lived in; wouldn't I?
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A I never put in an application; I was talking to Legus and George about it.
Q What did they tell you? A Told me to go to the Commissioner's office and see them about it; then write t the Secretary and I would get an answer; and then I come back to them and he would would write something; they haven't notified me yet.
Q Have you ever drawn any money from the Creek Nation? A No sir, I haven't.
Q There have been several payments of money to the Creek citizens; have you ever drawn any of that money? A Haven't drawn five cents.
Q Do you know if anybody ever drew any for you? A No sir, I don't know.
Q What is your father's name? A John Perryman.
Q Is he living? A Was the last time I heard of him.
Q Where? A Los Angeles California.
Q What is your mother's name? A Nancy.
Q Living? A She was, but since I left I seen a white man who said she was dead.
Q Where did she live? A Los Angeles, California.
Q How long had she lived there? A Five or six years when I left them.
Q Where did she live before she went to Los Angeles, California?
Q They come from Alabama, Columbus; from there to Texas and from Texas to California.
Q Your mother never lived in the Creek Nation? A My father did; my mother didn't. My grandmother she lived here.
Q How long has your father been living in California? A About---- He been there so many times; to my knowing he has been there about twelve years.

Q Where did he live before he went to California? A Been all through the Choctaw Nation; used to live in Alabama, Noxubee, Mississippi; just traveled about you know; the last time he stopped at Okmulgee before he went to California; Okmulgee was a little place.
Q Do you know whether your father ever drew any money from the Creek Nation? A No sir, I don't know.
Q Do you know whether your mother ever drew any money from the Creek Nation? A No sir, I don't know.
Q How long did your father live here in the Creek Nation? A He said he was here with old man Joe for about ten or fifteen years.
Q Joe who? A Joe Perryman.
Q How much Creek Indian blood do you claim? A I don't know sir; Mr. Bob Gentry said it looked like I could be- like I got a third Indian blood anyway; the first day he seed me he asked me if I wasn't a citizen and I said my father was and he said if that so, you bound to be a citizen.
Q Have you any brothers or sisters in the Creek Nation? A No sir, not that I know; I have got kin folks here but I would n't know them if I saw them.
Q Have you ever gone by any other name? A No sir; Bonnie William was all.
Q Has your father ever gone by any other name? A No sir, if he was I don't know.
Q Has your mother ever gone by any other name? A Before she married she went by Nancy Henry.
Q That was her maiden name, was it? A Yes sir.
Q How long have you lived in the Creek Nation? A Been through here several times; this time going on three years; that's the longest I have ever stayed.
Q Where did you live before you came to the Creek Nation? A From Galveston.
Q How long had you lived at Galveston? A I was just on the road; we was drilling at Galveston; I was a soldier in the army.
Q How long were you in the army? A Five years.
Q Did your time expire directly after you came here? A Yes sir; I got a furlough after we got back to Galveston after this Cubian War was over.
Q Where did you live before you enlisted in the army? A Los Angeles California.
Q How long did you live at Los Angeles? A We and my father lived there about five years and we went back for my mother.
Q Where did you live before you went to California? A Through Memphis from Alabama; come from Alabama to London City to see my nephew up there and come back to Los Angeles.
Q Was your father ever a slave? A Yes, my father and mother.
Q Who were they slaves of? A I can't answer that question.
Q Was your father a slave of a white man? A I don't know sir.
Q Do you know whether your mother was a slave of a white man? A I can't tell you; I heard them talking about that several times but never would say that; they never would let on.

The 1890 and 1896 pay rolls of the Creek Nation and the Dunn roll examined and the name of the applicant not found thereon.

Q Did you ever make application to the Creek citizenship Commission, commonly known as the Colbert Commission to be admitted to citizenship in the Creek Nation? A No sir I haven't.

The records of said citizenship Commission in the possession of the Commission examined, and the name of applicant not found thereon.

Q Did you ever make application to the Commission of the Five Civ-

[illegible] Tribes under the act of June 10, 1896, for the admission of yourself as a citizen of the Creek Nation? A [illegible] I haven't done [illegible] as I [illegible]
Q Did you ever [illegible] Court for [illegible] on [illegible] from the decision of the [illegible] citizenship Commission [illegible] 1898? A No sir; I haven't done that; I and my [illegible] was going to get Mr. Perryman to do that for us.
Q You don't claim to be a full blood Creek Indian? A No sir.
Q Did you ever live in the Cherokee Nation? A No sir.
Q How long did you live in Texas? A About 6 months; 2 months at San Antonio; one and a half at Austin and the balance at Galveston.
Q Did you ever hear your father talk anything about the Dunn roll?
A I believe I have; I heard him speak this Creek language and would [illegible] with the Comanche and Seminole Injuns and Cherokee and Choctaw he can talk with any of them.
Q Can you talk the Creek language? A No sir; I can speak a little of it.
Q Can your father talk the Creek language? A Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 7th day of July, 1904.

My Commission Expires January 1[illegible]

Seal

[illegible] Martin Jr
Notary Public.

[redacted]

DECISION.

The record in this case shows that on June 24, 1902, Lemuel Williams appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation.

The evidence shows that applicant was born in 1876, and living at date of application; that the names of his parents, [illegible] are not identified on the Dawes Roll, nor is his name found on the 1890 or 1895 tribal rolls of the Creek Nation.

Furthermore, it does not appear that the applicant was ever admitted to citizenship in the Creek Nation by any authority.

It is therefore the opinion of the Commission that there is no authority of law for the enrollment of said Lemuel Williams as a citizen of the Creek Nation, and that his application for enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER

C. R. Breckinridge

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

OCT 11 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, July 19, 1904.

In the matter of the application of Lonnie William for the enrollment of himself as a citizen of the Creek Nation.

SUPPLEMENTAL STATEMENT.

The Dunn Roll examined and the names of the parents of applicant not identified thereon.

Commissioner.

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lennie Whitmore as a citizen of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Tams Bixby.

Chairman.

Through the Commissioner
of Indian Affairs.

BGH-20-10-19

Creek No. 827.

Muskogee, Indian Territory, October 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lonnie Williams as a citizen of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Tams Bixby

Chairman.

Through the Commissioner
of Indian Affairs.

HGH-20-10-17

No. 827.

Muskogee, Indian Territory, October 14, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lonnie Williams as a citizen of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

JOT-2.

Muskogee, Indian Territory, October 17, 1906.

Lewis Willis,

Checotah, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Register.

JOT-1

Copy

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land
74097-1904. Washington, October 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In enclose herewith, a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation by Lonnie Williams made June 22, 1904.

October 11, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant was born in 1876 and living at the date of the application; that the names of his parents are not identified on the Dunn roll or the tribal rolls of 1890 or 1895.

It does not appear that the applicant was ever admitted to citizenship by the Creek tribal authorities or by any tribunal of the United States.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.J.

W.

En 517

COPY

J.P. EHE

DEPARTMENT OF THE INTERIOR,

I.T.D. 11078-1904. Washington, November 2, 1904.

LRG

Commission to the five civilized tribes.

Muskogee, Indian Territory.

Gentlemen:

October 17, 1904, you transmitted the record in the matter of the application for the enrollment of Lonnie Williams as a citizen of the Creek Nation, including your decision of October 11, 1904, denying said application.

Reporting in the matter October 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

F.L.Campbell

Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Creek No. 8819

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 10, 1904.

Lonnie Williams,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of November 2, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying your application for enrollment as a citizen of the Creek Nation.

Respectfully,

Chairman.

Register.

No. 617.

Muskogee, Indian Territory, November 30, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 8, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying the application of Lonnie Williams for enrollment as a citizen of the Creek Nation.

Respectfully,

Chairman.

Cor.,

Cor.. COPY.

B. A. 188.

Muskogee, Indian Territory, November 21, 1902.

Mary Asbury,

Eufaula, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, William Stidham, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. Said child is reported dead. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Examination by the Commission.

Q What is your name? A Mary Smith.
Q How old are you? A About 21.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek Indian town do you belong? A Okfuskee.
Q For what do you make application for enrollment? A William Stidham.
Q Was he your child? A Yes.
Q When was he born? A August.
Q What day and what year? A 27th, 1900.
Q Where did he die? A I don't hardly remember but it was about the smallpox time when he died.
Q Do you remember the time that the smallpox was raging in the western part of the Creek Nation and many people died? A I guess it was about that time, I am not positive.
Q Did you ever hear of the dates of the birth and death of your son, William Stidham? A Yes, of both.
Q Have you that record in your possession? A I have my Bible here.
Q Describe the book or paper it is written on. A It is a blue-book and a memorandum book.
Q You can read and write can you? A Yes, a little.
Q Did you make the record yourself? A Yes.
Q Is it written in Creek or English? A English.
Q Is it written with a pencil or a pen? A Lead pencil.
Q How long after the birth of William before you wrote down the date of his birth? A Don't remember exactly but it was not long after the birth of the child.
Q About how many days? A Don't remember.
Q Was it a month or less? A Don't reckon it was a month.
Q How long after his death before you wrote down the date of his death? A It was not long.
Q About how long A It was not a week.
Q Who was the father of Willie Stidham? A George Stidham.
Q Is George Stidham living? A Yes.
Q Were you married to George Stidham? A No sir.
Q Did you ever go by the name of Mary Ashury? A Yes.
Q Are you married now? A Yes.
Q What is your husband's name now? A Joe Smith.
Q Have you heretofore executed an affidavit in the matter of the birth of William Stidham? A yes.
Q Why is it you have never produced any witnessed or made any further effort to have your child enrolled by the Commission? A Never could get the witnesses together.
Q Will you produce that book in which is written the dates of the birth and death of your child, William Stidham, and bring it before the Commission? A Yes.
Q Where was William born? A At Lewis McGilbra's mother's place.
Q Where is that with reference to Eufaula? A Just beyond Enail-

Q What direction? A South East.
Q Where did he die? A Same place.
Q Where is he buried? A Close to the same place.
Q Ever have a tombstone [illegible]? A [illegible]
Q Did [illegible] have a [illegible]? A No sir.
Q Did you have [illegible] Lewis' mother?
Q [illegible] the living? A [illegible]
Q Which died first, William, or Lewis' mother? A William died.
Q How long before? A [illegible] remember; it was a good while.
Q What was Lewis' mother's name? A Amy McGilbra.
Q How old was William when he died? -- How long did he live?
A Don't remember; guess the record will show that.
Q Did he live a year? A More than a year.

Annie McWilliams being duly sworn testified as follows through Amos McIntosh, official interpreter:

By the Commission:

Q What is your name? A Annie McWilliams.
Q How old are you? A Don't know.
(Witness appears to be at least 65 years old.)
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes.
Q To what Creek Indian town do you belong? A Eufaula.
Q Eufaula Canadian? A She says she don't know the difference but she belongs to this town right up here.
Q Do you know Mary Smith? A Know her from a child up.
Q Is she any relation of yours? A No.
Q Do you know a child of hers named William Stidham? A Yes; knew him well.
Q Do you know when William was born? A Don't know anything about the dates.
Q Were you present when it was born? A No; just heard that the child was born and went and saw it.
Q How long after it was born before you saw it? A Somewhere along about a week.
Q Is William Stidham living? A No; dead.
Q How long has he been dead? A Don't know.
Q How old was he to your best judgment when he died? A Don't know.
Q Did he appear to be a year old? A Older than a year.

Martha Belcher being duly sworn testified as follows through Amos McIntosh, official interpreter:

By the Commission:

Q What is your name? A Martha Belcher.
Q What is your age? A Don't know.
Q How old do you call yourself? A I am near about thirty.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes.
Q To what Creek Indian town do you belong? A Eufaula.
Q Eufaula Canadian? A Yes.
Q Do you know Mary Smith? A Yes.
Q Did she have a child named William Stidham? A Yes.

Q Are you related to [illegible]? A No.
Q Do you know when William Stidham was born? A Yes.
Q You were present at its birth? A I was at home sick.
Q How do you know the date of the child's birth? A She went down and [illegible]
Q [illegible]
Q [illegible]
Q How many children have you? A Three living.
Q What is the name of your first child? A Essie.
Q When was Essie born? A December 30; don't remember the year.
Q What is the name of your next child? A Amy.
Q When she was born? A Don't remember; got a record of that.
Q What is the name of your next child? A Tom is the right name but we call him Sonny.
Q When was he born? A 20th of August.
Q What year? A 1898.
Q How long after the birth of your child, Tom, or Sonny, was it until you saw Mary's child, William? A She says she went and saw the child after she got well.
Q You are positive then that Mary's child and your child Tom was born the same year? A Yes.
Q Do you know how long William Stidham lived? A He was near about three years old she guesses.
Q Did you attend his funeral? A Yes.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 7th day of July, 1904.

My Commission Expires January 6th 1906.

H. C. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., July 2, 1904.

SUPPLEMENTAL TESTIMONY.

In the matter of the application for the enrollment of William Stidham as a citizen by blood of the Creek Nation.

Mary Smith, being first duly sworn, testified as follows:

By the Commission,

Q What is your name? A Mary Smith.
Q What is your age? A Twenty-two, I guess.
Q What's your postoffice address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q You are the identical Mary Smith who made application for the enrollment of William Stidham as a citizen of the Creek Nation on June 27, 1904? I mean by that that you are the same person who testified about this matter before, about your child, the same person? A Yes.
Q Have you with you the record of the date of the birth and death of William Stidham? A Yes.

Witness presents a book, entitled "Story of Man" upon page 32 of which is found the following: "William Stidham, born on 27th day of Aug 1898 on Sat died in Aug 12, 1901 3 years of age."

Q Who made this record? A I did.
Q How long ago? A It has been a good while.
Q Did you write the date of the birth in there soon after he was born? A About a month after.
Q About a month after he was born? A Yes, sir.
Q Was it all written at one time? A No, sir.
Q How long after he died before you wrote in here about his death?
A About two or three days after he died.

The record is returned.

Retta Chick Hinkle, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings in the above entitled cause and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Retta Chick Hinkle

Subscribed and sworn to before me this 18th day of July, 1904.

Seal

Oliver C. Hinkle
Notary Public.

D. L.

[illegible] Creek.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Stidham, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on June 27, 1904, Mary Smith appeared before the Commission at Eufaula, Indian Territory, and made application for the enrollment of her minor child, William Stidham, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had July 8, 1904.

The evidence shows that said William Stidham, deceased, was born August 27, 1895 and died subsequent to April 1, 1899.

The evidence further shows that said William Stidham, deceased, is the child of Mary Smith and that said Mary Smith and Mary Asbury are the same person, and an examination of the records of this Commission shows that the name of Mary Asbury is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Roll No. 7602.

It is, therefore, the opinion of the Commission that said William Stidham, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the Act of Congress, June 28, 1898 (30 Stat., 495) and March 1, 1901, (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

FEB 3 - 1905

Creek En 619

Muskogee, Indian Territory, February 7, 1905.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William Stidham (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said William Stidham (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JYK-7-69.

9813

D. C. 133.

Muskogee, Indian Territory, February 1, 1904.

Nancy Scott,

Eufaula, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the death of your father, Micco Yahola, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of his death, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

[illegible] OF THE [illegible]
[illegible] TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JUNE 28, 1904.

N.A. 135 F.E.N.

In the matter of the application for the enrollment of Micco Yahola (or Selestka McIntosh) as a citizen of the Creek Nation.

Harley Thomas being duly sworn testified as follows through Amos McIntosh, official interpreter:

Examination by the Commission:

Q State your name, age and post office address? A Harley Thomas; about 32; Eufaula.
Q Do you know Micco Yahola or Selestka McIntosh? A Yes sir; he says the fellow that killed him stopped at his house. I knew Selestka myself.
Q The husband of Poppey McIntosh? A Yes sir.
Q He is dead, isn't he? A Yes.
Q Do you know when he died? A No sir; don't know.

Amos McIntosh being duly sworn testified as follows:

Examination by the Commission:

Q State your name, age and post office address? A Amos McIntosh; 48; Sapulpa.
Q You are a citizen of the Creek Nation, Eufaula Canadian town? A Yes sir.
Q Were you at one time the judge of the Eufaula District Court under the Creek Laws? A Yes sir.
Q Did you know Selitka McIntosh, husband of Poppey McIntosh? A Yes sir.
Q Was he killed in this jurisdiction at the time you were judge? A Yes sir.
Q What year was that, to the best of your recollection? A That was in 1898.
Q Did you prosecute the man who killed him? A Yes, I presided over the case when the man was tried for killing him.
Q What was your verdict? A Guilty.
Q Was he sentenced to be shot? A Yes sir in about 30 days from the time he was convicted; was sentenced to be shot.
Q Was he shot for that offense? A No sir; the thirty days wasn't up before the Creek courts became abolished and the prisoner was taken by Judge Springer to Muskogee to the court and held until sometime in December I think- maybe later-- I think it ran into January, 1899.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this [illegible] day of July, 1904.
[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., July 6, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Selitka McIntosh, deceased, as a citizen of the Creek Nation.

Nancy Scott, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Nancy Scott.
Q What is your age? A I don't know exactly--nearly 40 I guess.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Quassarte.
Q Number 1 or 2? A I don't know what No. it is.
Q Mrs. Scott you have been educated in the English Schools haven't you? A Yes, sir.
Q You taught skool for a good many years? A Yes, sir.
Q You were educated at Carlisle Penn? A Yes, sir.
Q Have you a record of the date of the death of Selitka McIntosh? A It is there. (referring to a small account book or tablet) I dont know as I got anything else.
Q Was Selitka McIntosh your father? A Yes, sir.
Q You still have the record you made of the date of his death? A Yes, sir.

The witness presents a small tablet in which are written various accounts and notes and on one page, headed "deaths of the family" the entry next to the last entry is as follows: " Pa died Sept., 1897" The record is made in pencil and appears to have been made a long time as the lines are rubbed and spread

Q You made that entry did you Mrs. Scott? A Yes, sir.
Q That is your writing? A Yes, sir.
Q Do you remember how long after your father, Selitka McIntosh, died that you wrote that? A I don't know. We had some of these in another book and we must have made it after for these are not so long we copied them after the little boy died? I don't know when this was made.
Q Your father was shot wasn't he? A Yes, sir.
Q Who shot him? A John Tiger.
Q He was tried by the Creek Courts wasn't he? A Yes, sir.

-----:O:-----

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct ~~XXXXXXXX~~ transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs.

Subscribed and sworn to before me this 8th day of July, 1904.

Seal My Com. Expires June/1908 Oliver C. Childers
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Micco Yahola (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Eufaula (Here insert name of postoffice) Ind. Ter., and died on the 22 day of September, 1899.

AFFIDAVIT OF RELATIVE. Daughter

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Nancy Scott, on oath state that I am 33 years of age and a citizen, by Blood, of the Creek Nation; that my postoffice address is Eufaula (Here insert name of postoffice.) Ind. Ter.; that I am Daughter (State relationship, if the father or mother is married, etc.) of Micco Yahola (Here insert name of deceased) who was a citizen, by Blood, of the Creek Nation; and that said Micco Yahola (Here insert name of deceased.) died on the 22 day of September, 1899.

Nancy Scott

WITNESSES TO MARK:

(Sign in Two Witnesses.)

Subscribed and sworn to before me this 2 day of August 1901.

William T. Martin
Notary Public.

AFFIDAVIT OF ~~ACQUAINTANCE~~ wife

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Hepsey McIntosh, on oath state that I am 50 years of age, and a citizen by Blood, of the Creek Nation; that my postoffice address is Eufaula (Here insert name of postoffice.) Ind. Ter.; that I was personally acquainted with Micco Yahola (Here insert name of deceased.) who was a citizen, by Blood, of the Creek Nation; and that said Micco Yahola (Here insert name of deceased.) died on the 22 day of September, 1899.

Hepsey McIntosh
her
x
mark

WITNESSES TO MARK:

(Sign in Two Witnesses.) W. H. Angell
Wm Wallace

Subscribed and sworn to before me this 2 day of August 1901.

William T. Martin
Notary Public.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Selitha W. Intah or Micco Yahola
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near
Eufaula, Ind. Ter., and died on the Month day of
(Here insert name of postoffice)
November, 1896.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
..... DISTRICT.

I, ..., on oath state that I am ..... years of age and a citizen, by ....., of the ..... Nation; that my postoffice address is ..... (Here insert name of postoffice.), Ind. Ter.; that I am ..... (State relationship or the failure) as uncle, cousin, etc.) of ..... (Here insert name of deceased.) who was a citizen, by ....., of the ..... Nation; and that said ..... (Here insert name of deceased.) died on the ..... day of ....., 1.....

WITNESSES TO MARK:

(Not to be Witnesses.)

Subscribed and sworn to before me this ..... day of ....., 190....

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Northern John Ingram, on oath state that I am 64 years of age, and a citizen by Blood of the Creek Nation; that my postoffice address is Eufaula, Ind. Ter.; that I was personally acquainted with Selitha W. Intah or Micco Yahola (Here insert name of deceased.) who was a citizen, by Blood of the Creek Nation; and that said Selitha W. Intah or Micco Yahola (Here insert name of deceased.) died in the Month day of November 1896 and that I made a coffin for the burial of said Selitha W. Intah or Micco Yahola in the Month of November, 1896, and sold the same to Robert W. Intah on said day

(Not to be Witnesses.)

John Ingram

Subscribed and sworn to before me this 7th day of April 1897.

Seal

J. T. Dodson
Notary Public.

[redacted]

[redacted]

[redacted]

DECISION.

The record in this case shows that on June 28, 1904, application was made before the Commission at Eufaula, Indian Territory, for the enrollment of Micco Yahola (or Solitka Mulkeah), deceased, as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Eufaula, Indian Territory, on July 6, 1904.

The evidence shows that said Micco Yahola (or Solitka Mulkeah) died before April 1, 1899.

It is therefore the opinion of the Commission that there is no authority of law for the enrollment of said Micco Yahola (or Solitka Mulkeah), deceased, as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

OCT 11 1904

No. 819.

Muskogee, Indian Territory, October 17, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Micco Yahola (or Selestka McIntosh) as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

NCW-22-10-17

En. 819

Muskogee, Indian Territory, October 17, 1904.

Marley Thomas,

Eufaula, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Micco Yahola (or Selitka McIntosh), deceased, as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the same is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register

MGM-83-10-17

Muskogee, Indian Territory, October 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Micco Yahola (or Selitka McIntosh), deceased, as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Tams Bixby.

Chairman.

Through the Commissioner
of Indian Affairs.

NCW-04-10-19

DEPARTMENT OF THE INTERIOR,

I.T.D. 11136-1904. Washington, November 8, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

On October 17, 1904, the Chairman of the Commission transmitted the record in the matter of the application for enrollment of Missa Yahola (or Selitka McIntosh), as a citizen by blood of the Creek Nation, including your decision of October 11, 1904, denying the application.

Reporting October 29, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

F.L.Campbell

Acting Secretary.

1 inclosure.

Copy

DEPARTMENT OF THE INTERIOR,

LAND

[illegible]1904.

OFFICE OF INDIAN AFFAIRS,

Washington, Oct.29, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application made June 28, 1904, for enrollment as a citizen by blood of the Creek Nation, of Micco Yahola (or Selitka McIntosh), deceased.

October 11, 1904, the Commission decided adversely to the application.

The record shows that Micco Yahola (or Selitka McIntosh) died prior to April 1, 1899.

In view of the record the approval of the Commission's decision is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

(M.M.M.)P.

No. 458

Muskogee, Indian Territory, November 12, 1904.

Mr. E. Hyde,
Secretary to Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 9, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of Missa Yahola (or Selitka McIntosh), deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

C.66.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMULGEE, I.T., NOVEMBER 20th, 1903.

In the matter of accounting for those persons whose names appear on the Creek Tribal rolls, who died prior to April 1st, 1899, or are not shown on said rolls to have been otherwise accounted for.

Joe Smith, being first duly sworn by R. R. Cravens, notary public testified as follows:

BY THE COMMISSION:

Q What is your name? A Joe Smith.
Q What is your age? A About 30 I guess.
Q What is your postoffice address? A Hasson.
Q Are you a member of the House of Kings for Tallahassoche Town? A Yes, sir.

The object of this examination is to ascertain who of these persons of Tallahassoche Town died prior to April 1st, 1899.

1890 Roll.

Q William Tiger - Page 208? (Card 2044)? A He died since the land office opened. He has an allotment.
Q Lizzie Tiger? A She died before the land office opened.
Q Mullatie? A He died a long time ago.
Q Before the land office opened? A Yes, sir.
Q Deffie? A She has been dead a good many years? A
Q Before the land office opened? A Yes, long time.
Q Bertie? A I think he died after the land office opened. He did not get an allotment.
Q David? A He died before the land office opened.
Q George? May be George Tiger? A If so, he has an allotment. He is a son of Tarlcshaw, that George Tiger.
Q Louisa and Lucy? A Louisa is dead a good while before the land office opened.
Q How about Lucy? A Lucy is living now I think, and has an allotment. Her name ought to be Lucy Selumber.
Q Garfield? A He has been dead about 10 years I reckon.
Q Apokie? A Has been dead a good while.
Q Before the land office opened? A Yes, sir.

ROBERT SELUMBER, being first duly sworn by R. R. Cravens, notary public testified as follows: (Joe Smith, sworn interpreter)

What is your name? A Robert Selumber.
Q How old are you? A About 40.
Q What is your postoffice address? A Eufaula.
Q Are you a member of the House of Warriors? A Yes, sir.
Q Lucy? A I think she died since the land office opened.
Q Was she married? A No, it was just a girl, a daughter of Mollie, I think.
Q Is Mollie married? A Yes, sir.
Q What is her husband's name? A Taylor, some times called Timminiche.
Q Do they call her Mollie Taylor? A Yes, sir. That Tayler or Timminiche belongs to Coweta Town.
Q Lena? A She has been dead a good while.
Q Before the land office opened? A Yes, I am satisfied of it.
Q Louisa Fox? A She died before the land office opened.
Q Tochie? A Well, about the same.
Q Died before the land office opened? A Yes, sir.
Q Joe? A (By both Joe Smith and Robert Selumber) Don't know about him.

Creek Roll No. 8779 ; Henry Tiger A (By Joe Smith); He is dead. He died since the Indian offices opened. He has got an allotment.

1898 United Roll.

Henry Tiger A (By Robert Palmer); He died before the Indian offices opened.

The undersigned, being sworn states that as stenographer to the commission to the five civilized tribes he reported in full the testimony and proceedings in the above and foregoing matter, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 1st day of December, A. D., 1903, at Muskogee, Indian Territory.

Edward Merrick
NOTARY PUBLIC.

1979

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE,
W. O. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
D. C. 101

Muskogee, Indian Territory, January 30, 1904.

Sallie Jackson,

Eufaula, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit relative to the death of your sister, Sartie, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

It is required that two witnesses who know the date of the death of said Sartie appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

In the matter of the application for the enrollment as citizen of the Creek Nation.

Harley Thomas being sworn testified as follows through official interpreter, Amos McIntosh:

Examination by the Commission:

Q. State your name, age; and post office address? A. Harley Thomas; about 58; Eufaula.
Q. Did you know Sarty whose name appears on Tullahassochee town roll with Beffie, Dinwoikabee and Sallie (page 208)? A. Yes.
Q. Was he an old man or a young man? A. Like this man (pointed to a person who appears to be about 21 years old.)
Q. Is Sarty dead? A. Yes.
Q. How long has he been dead? A. He says he don't know; but it is not long.
Q. Did Sarty die before or after the Creek land office opened? A. He thinks it was sometime after the land office opened a good little while.
Q. How near do you live to that family? A. Four or five miles.
Q. Is that family he died at there has Sarty some relatives living?
A. Yes, - no; he thinks there is one living.
Q. What is his name? A. Jennie.
Q. Where is she living? A. With Robert Salumber.
Q. Is she married? A. No sir.
Q. Is she a grown woman or a child? A. About 40 he guesses.
Q. What relation is Jennie to Sarty? A. Not certain but think she is an aunt to that Sarty.

Henry C. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Haines

Subscribed and sworn to before me this 7th day of July, 1904.

My Commission Expires January 10th 1908

Seal

W. F. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 11, 1904.

In the matter of the death of Sartie, whose name appears upon th the 1890 Roll, Page 208. The 1895 Roll, No. 11, Tullahassoche Town, Creek Nation.

ROBERT SELUMBER, being duly sworn, testified as follows:

Through L. G. McIntosh, Official Interpreter:

By Commission:

Q What is your name? A Robert Selumber.
Q What is your age? A Some where about thirty-six or thirty-seven.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tullahassoche.
Q Did you know Sartie? A Yes, sir.
Q What town did she belong to? A Tullahassoche.
Q Is she living? A Died.
Q When did she die? A I am hardly able to say the date.
Q What is your best recollection? A Been very near six years since she died.
Q Was Sartie a man or a woman? A A man.
Q Have you a record of the date of the death of Sartie? A No, sir.
Q What relation was Sartie to you? A My nephew according to the Indian rule. A child of my sister.
Q What was the name of the child's mother? A Sallie Jackson.
Q Is she living? A Died.
Q Were you and Sallie children of the same father and mother? A Our mothers were sisters.
Q You executed a death affidavit didn't you in the matter of Sallie's death? A I don't know---don't remember. The affidavit had been made a long time ago before another set of Commissioners and that was thrown out.
Q You mean another Field Party do you? A Yes, that party was then located at Proctor.
Q Do you remember the month that Sartie died? A About the middle of October.
Q What year was that? A I don't know exactly but it has been about six years.
Q Six years ago last October or six years ago this coming October? A Yes, sir, last October.
Q That is your best recollection about it? A Yes, sir.
Q How old was Sartie when he died? A About eighteen years old.
Q Do you know Walter Washington? A Yes, sir.
Q What was the date of Sartie's death with regard to the date of the birth of Walter Washington? A I am not certain but I think this child (pointing to Walter Washington) was born when he died. I think the child has been knocked out. The Field Party told me it was knocked out. I wouldn't like to take this up unless I thought there was a chance and it is my opinion that there is no chance.
Q We want to know as near as we can the exact date of the death then we can tell? A Well I don't think you will get it.
Q Do you remember when the small-pox was raging in the western part of the Creek Nation and was fatal to so many people? A Yes, sir.
Q Was Sartie living or dead at that time? A He died before that time.

Sartie -2-

JOHN CHISHOLM, being duly sworn, testified as follows:

Through L. C. McIntosh, Official Interpreter:

By Commission:

Q What is your name? A John Chisholm.
Q What is your age? A 74.
Q What is your post office? A Eufaula.
Q You are a citizen of the Creek Nation, Tullahassoche Town? A Yes, sir.
Q Do you know Walter Washington, a child of Peggie Washington? A Yes, sir.
Q Do you know one Sartie of Tullahassoche Town, a child of Sallie? A Yes, sir.
Q Sartie is dead isn't he? A Died.
Q What was the date of his death with reference to the date of the birth of Walter Washington? A I don't know how near the time.
Q Was Walter born before or after Sartie died? A After.

---oooOOOooo---

D. C. Skaggs, on oath, stayes that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 29th day of July, 1904.

Charles H Bangs
Notary Public.

Tn. 820.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Mellette, I. T., February 1, 1905.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Sarty, deceased, as a citizen by blood of the Creek Nation.

GEORGE HOLLABEE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A George Hollabee.
Q How old are you? A About forty-six.
Q What is your post office address? A Mellette.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Artusse.
Q Did you know Sarty? A Yes, sir.
Q To what town did he belong? A Tullahassache.
Q He is dead is he? A Yes, sir.
Q Do you know when he died? A I cannot swear positively as to just when he died.
Q How many years do you think he has been dead? A According to my best recollection he has been dead about six years.
Q Who was Chief of the Creek Nation at the time he died? A I think it was during Porter's first administration--I am quite certain of it.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Sarty die before or after the opening of the Creek Land Office? A I think he died after the land office opened.
Q How long after the section lines were opened was it that he died? A I cannot say as to that. I remember that he died after I moved to my present home. I have now been living here something like four years.
Q Were the section lines established at the time you moved to your present home? A Yes, sir.
Q When did you make selection of land for yourself? A I was arbitrarily filed by the Commission. The Commission came to my house and made selection of land for me.
Q Was Sarty living at that time? A Yes, sir.
Q You are positive of that are you? A Yes, sir.
Q Who were the parents of Sarty? A Sallie, who was my wife's sister.
Q Did Sallie have any other name? A No, sir.
Q Who was Sarty's father? A John Chupco.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 6 day of February, 1905.

Edw L Driscoll
Notary Public.

In. 620.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., May 23, 1905.

In the matter of the application for the enrollment of Sartie deceased, as a citizen by blood of the Creek Nation.

WINEY SELUMBER, being duly sworn, testified as follows

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Winey Selumber.
Q How old are you? A About 30.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tuckabatche.
Q Were you acquainted with Sartie? A Yes, sir, well acquainted with him.
Q Was he any relation of yours? A No, sir.
Q Do you know when he died? A No, sir, I don't know whether he has been dead four years of five years. He lived with his mother anx other relatives near here. The whole family died close together. The only surviving member is Jennie, the wife of George Holubbie, and a sister of Sartie. I remember the circumstance of his death well but I do not know how long it has been.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Sartie die before or after the opening of the Creek Land Office? A I think it was after. He had been dead about a year when I went to Muskogee to make selection of land.
Q Do you know in what month he died? A I don't know, but it was during Council time. I heard that Robert Selumber was at Okmulgee attending Council at the time of Sartie's death.
Q Has he any relatives living? A None except Robert Selumber and Jennie Holubbie and two relatives living down on Coon Creek, Sampson Holubbie and Eschotka.
Q Are you positive that Sartie died after the land office opened? A Yes, sir.
Q How old was he? A He was probably fifteen years old.
Q Do you know a child of Peggie Washington named Walter Washington? A Yes, sir.
Q Was Walter born before or after Sartie died? A I do not know.
Q Do you know whether or not any record was made of his death? No, sir, and only his mother and Sister, Jennie, wre present when he died I now remember that Walter Washington was about a year old and walkin at the time Sartie d

The records of the Commission show that the Walter Washington referred to herein was born in December, 1899.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 17th day of July 1905.

Edwin Friess
Notary Public.

IN RE
THE DEATH OF

Sartie

a citizen of the

Creek Nation.

Approved 1

Commissioner.

See E. 66. - says "died off Land Office opened."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

Aug 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Dartie
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Eufaula (Here insert name of post office.), Ind. Ter., and died ~~on the~~ in October of Year 1899,
1

AFFIDAVIT OF ~~RELATIVE~~. acquaintance

UNITED STATES OF AMERICA, }
(INDIAN TERRITORY.)
Northern District. }

I, Robert Selumber, on oath state that I am 37 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula (Here insert name of post office.), Ind. Ter.; that I ~~am~~ are personally acquainted with (State relationship, as: the father; an uncle; a cousin, etc.) of Dartie (Here insert name of deceased.), who was a citizen, by blood, of the Creek Nation; and that said Dartie (Here insert name of deceased.) died ~~on the~~ in October of ~~day of~~ Year 1899,

WITNESSED TO MARK:

(Must be Two Witnesses.) J S Berry, W A Wallace

his
Robert X Selumber
mark

Subscribed and sworn to before me this 12 day of August 1901

William J Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
(INDIAN TERRITORY.)
Northern District. }

I, William Tiger, on oath state that I am 42 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula; that I was personally acquainted with (Here insert name of deceased.) who was a citizen, by blood, of the Creek Nation; and that said Dartie died ~~on the~~ in October of ~~day of~~ year 1899.

WITNESSED TO MARK:

(Must be Two Witnesses) J S Berry, W A Wallace

his
William X Tiger
mark

Subscribed and sworn to before me this 12 day of August 1901

William J Martin
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Dartie
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near Eufaula
(Here insert name of post office.), Ind. Ter., and died ~~on the~~ in October of ~~day of~~ Year 1899,

1

AFFIDAVIT OF ~~RELATIVE~~ acquaintance

UNITED STATES OF AMERICA,
~~INDIAN TERRITORY,~~
Northern District.

I, Robert Selumber, on oath state that I am 37 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula
(Here insert name of post office.), Ind. Ter.; that I ~~am~~ was personally acquainted with
(State relationship, as: the father; an uncle; a cousin, etc.) of Dartie
(Here insert name of deceased.),
who was a citizen, by blood, of the Creek Nation;
and that said Dartie
(Here insert name of deceased.) died ~~on the~~ in October of ~~day of~~ Year 1899

his
Robert x Selumber
mark

WITNESSES TO MARK:
(Must be Two Witnesses.) J D Berry
W A Wallace

Subscribed and sworn to before me this 12 day of August 1901
William J Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
~~INDIAN TERRITORY,~~
Northern District.

I, William Tiger, on oath state that I am 42 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula
(Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Dartie
(Here insert name of deceased.) who was a citizen, by blood, of the Creek Nation; and that said Dartie
(Here insert name of deceased.) died ~~on the~~ in October of ~~day of~~ year 1899

his
William x Tiger
mark

WITNESSES TO MARK:
(Must be Two Witnesses.) J D Berry
W A Wallace

Subscribed and sworn to before me this 12 day of August 1901
William J Martin
Notary Public

Eufaula, Indian Territory, June 3, 1908.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I return herewith copies of testimony taken in the following cases, as I find it impossible to secure further evidence:

Harty, Enrollment No. 520.
Chepe and Polle Homahta, Creek Indian Card Field No. 2871.
Katy and Wicey Gano, No. 2468 B.
William Tiger No. ____ B.
Amy Kelly, No. 2467 B.
Heliswa and Kashe Beaver, No. 2466 B.
Lena Bear, NO. ____ B.
Setepaka Scott, No. 2447 B.
Mahlahsee Mitchell, No. 2447 B.
Susanna and Onate Johnson, No. 2468 B.

Respectfully,

Allen Moore.

Clerk in Charge Creek Field Party.

Cr En 520 I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sartie, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

The records of this office show that George Hollabee is enrolled as George Holupe, on Creek Indian card, Field No. 3127, approved Roll No. 8370. It appears from said card that a citizenship certificate was issued to said George Holupe December 14, 1901.

The records of this office further show that Winey Selumber is enrolled on Creek Indian card, field No. 2057, approved Roll No. 7533. It appears from said card that a citizenship certificate was issued for said Winey Selumber May 17, 1901.

1890 Authenticated Tribal Roll of the Creek Nation examined and said Sartie, deceased, is identified thereon at page 208, Tullahasoche Town, as Sertie.

1895 Pay-Roll of the Creek Nation examined and the name Sartie appears thereon at No. 101, Tullahasoche Town.

W. O. Beall
Acting Commissioner.

Muskogee, Indian Territory,
AUG. 9, 1905.

Cr Rn 520 I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sartie, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 12, 1901, the affidavit of Robert Selumber relative to the death of Sartie was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Sartie, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had June 28, 1904, July 11, 1904, February 1, 1905, May 23, 1905 and August 9, 1905.

A copy of testimony taken November 20, 1903, in the matter of accounting for those persons whose names appear on the Creek Tribal Rolls, who died prior to April 1, 1899, or are not shown on said rolls to have been otherwise accounted for, is made part of the record herein.

The evidence shows that said Sartie, deceased, is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Pay-Roll of said Nation.

The evidence further shows that said Sartie, deceased, died subsequent to April 1, 1899.

It is, therefore, ordered and adjudged that said Sartie, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress approved June 28, 1898, (30 Stats., 495) and March 1, 1901 (31 Stats., 861), and the application for his enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory,

JAN 10 1906

Cr En 580

Muskogee, Indian Territory, January 11, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1906, in the matter of the application for the enrollment of Sartie (deceased) as a citizen by blood of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Sartie (deceased) as a citizen by blood of the Creek Nation, and if, at the expiration of said time, no protest has been filed, the name of said Sartie (deceased) will be regularly listed for enrollment as a citizen by blood of said Nation.

Respectfully,

Commissioner.

JYM-11-4

Refer in reply to the following:
Cr.En. 520.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 28,1906.

Robert Selumber,

Eufaula, Indian Territory.

Dear Sir:

You are hereby advised that the name of"Sartie", deceased, is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that a selection of land in the Creek Nation may now be made by the administrator, at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive prompt attention.

Respectfully,

Commissioner.

CR EN 521

CR EN 521

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
[redacted] July 2, 1904.

In the matter of the application for the enrollment of Peter Blake as a citizen of the Creek Nation.

Lewis McGilbra being duly sworn testified as follows:

Examination by the Commission:

Q State your name, age and post office address? A Lewis McGilbra; forty-three years old; Eufaula.

Q Are you a citizen of the Creek Nation? A nd what town do you belong to? A Citizen of the Creek Nation and belong to Hickory Ground. 3568. Q Did you know Peter Blake? A Yes sir.
Q Did he live near you? A Yes sir; lived about a mile and half from me.
Q Do you know the exact date of his death? A No sir.
Q Do you know about when he died? A Can't tell what month at all; but it must be about three years ago since he was dead cause my wife died before he did and he died since then.
Q What was your wife's name? A Cinda McGilbra.
Q Did she file on her allotment? A Yes sir.
Q Did she file for herself? A I filed for her.
Q Was she present when you went before the Commission to file for her? A Yes sir, she was there.
Q Do you remember when there was a locating party out here? A I dis-remember when that was.
Q You remember that there was one here? A Yes sir.
Q Were you with that party? A Yes sir.
Q Was Peter Blake living then? A No sir; he was dead; we went out to Simon, Peter's Blake's brother- me and Gibson went there; we couldn't wait for Simon so we just went ahead.
Q Did Peter Blake have an Indian name? A Yes sir.
Q What was it? A They calledhim Peter Thlocco.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 14 day of July, 1904.

Charles McLaughlin

Notary Public.

Supplemental Testimony

C- 3568.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Eufaula, I. T., July 6, 1904.

In the matter of the application for the enrollment of Peter Blake as a citizen of the Creek Nation.

Dick Greenwood, being duly sworn, testified as follows:

L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Dick Greenwood.
Q Are you also known by the name of John Greenwood? A Yes, sir.
Q What is your age? A Been Signing up at 51.
Q What is your post office? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What Creek Indian Town do you belong to? A Hickory Ground.
Q Do you know Peter Blake? A Yes, sir.
Q Does he live close to where you live? A Yes, sir.
Q He lived in the Creek Nation didn't he? A Yes, sir.
Q Is he living or dead? A Dead.
Q Was he living in the Creek Nation when he died? A Yes, sir.
Q Did you know Peter Blake well? A Yes, sir.
Q Do you know when he died? A March 29, 1901.
Q Have you a record in which is intered the date of the death of Peter Blake? A Yes, sir.
Q Who made the record? A Jackson Lewis.
Q Have you with you a copy of the date of the death of Peter Blake as shown by that record? A Yes, sir.

Witness presents a slip of paper on which is written "March 29, 1901 Peto Pelek elepatetos." (Peter Blake died March 29, 1901)

Q This is in the Creek language is it? A Yes, sir.
Q Can you swear that this is a correct copy of that church record? A Yes, sir.

L. G. McIntosh, being duly sworn, testified as follows:

By Commission:

Q What is your name? A L. G. McIntosh.
Q What is your age? A 53.
Q What is your post office? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Did you know Peter Blake? A Well acquainted with him. He is a Minister.
Q Do you know when he died? A I know about when he died but I don't know the exact date.
Q Do you know whether he died before or after the Commission opened the Creek Land Office at Muskogee? A No, sir. I am no certain about it. He must have died away afterwards. He and I were at church up at Hillabee and Broctor. We met there and it was after that time.

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs.

Subscribed and sworn to before me this 8th day of July, 1904.

Bell L. G. McIntosh
Comm'r expires Jan 19, 1907 Notary Public.

Mus 521.

In the matter of the application for the enrollment of Peter Blake, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT

The 1890 Authenticated Tribal Roll of the Creek nation examined and the name of Peter Blake found thereon at page 5, Okfuske Town.

The 1895 Pay Roll of the Creek nation examined and the name of Peter Blake is found thereon at No. 1, Okfuske Town.

The records of the Commission show that the Cinda McGilbra referred to in the testimony herein is listed for enrollment on Creek Indian Card Field No. 1654, Approved Roll No. 5328.

A. Ezey, Official Interpreter, interprets the following sentence in the testimony herein:

"March 29, 1901 Pete Polok elepatetos" as "Peter Blake died, March 29, 1901."

Commissioner.

Muskogee, Indian Territory,
October 1, 1901

[illegible]

In the matter of the application for the enrollment of Peter Blake, deceased, as a citizen by blood of the Creek Nation.

JACKSON LEWIS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Jackson Lewis.
Q How old are you? A About seventy-eight.
Q What is your post office address? A Eufaula.
Q To what town in the Creek Nation do you belong? A ~~Probably~~ Originally I belong to Hitchitee but I am enrolled in Eufaula Canadian and have represented that town in the Creek Council.
Q Did you know Peter Blake? A Yes, sir, knew him very well.
Q Is he dead? A Yes, sir.
Q Do you know when he died? A About three years ago.
Q Did he die after the Creek Land Office opened or before? A A long time after the land office opened.
Q How long had you known Peter Blake? A I knew him from a boy up and knew his parents.
Q Had he lived in the Creek Nation a great many years when he died? A He was born and raised here? He went south during the War.
Q He lived here ever since the War did he? A Yes, sir. He worked for me from time to time and he had just left my place a short time when he died.
Q Has he any children living? A Yes, sir.
Q What are their names? A Simon Peter.
Q What is his post office? A Eufaula.
Q Is Simaon Peter here now? A Yes, sir, he is in Okmulgee.
Q Do you know in what month Peter Blake died? A You can get the exact date of his death from the church record.
Q What church is that? A Okfuske No. 2.
Q Who has charge of the church record? A Mitchell Harjo.
Q Who is Mitchell Sarwanogee? A That is the same person.
Q Is he the pastor of the church? A Yes, sir.
Q What is his post office address? A Eufaula.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Nov. 1904.

Charles A. Sawyer
Notary Public.

D.A.

En. 621.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Peter Blake, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 2, 1904, Lewis McGilbra appeared before the Commission at Eufaula, Indian Territory, and made application for the enrollment of Peter Blake, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had at Eufaula, Indian Territory, July 6, 1904, and at Muskogee, Indian Territory, October 1, 1904.

The evidence shows that said Peter Blake, deceased, is identified on the 1890 Authenticated Tribal Roll of the Creek Nation and on the 1895 Pay Roll of said nation.

The evidence further shows that said Peter Blake, deceased, died on March 29, 1901.

It is, therefore, the opinion of the Commission that Peter Blake, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

NOV

Creek No. 203

Muskogee, Indian Territory, January [illegible], 1902.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Peter Blake, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Peter Blake, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-23

870

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
D.A. 10.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 18, 1903.

Tumnesa Bird,

Eufaula, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of George W. Bird, who, it is claimed, was a citizen of the Creek Nation. It is desired that testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

[redacted] of the Commission
[redacted] to the Five Civilized Tribes.
[redacted], I.T. July 2, 1902.
[redacted]

In the matter of the application for the enrollment of Jemima and George Bird as citizens of the Creek Nation.

Tamissa Bird being duly sworn testified as follows through Lewis McGilbra, sworn interpreter:

Examination by the Commission:

Q What is your name? A Tamissa;she thinks she was filed under her father's name;Tamissa Thomas.
Q What is your name now? A Tamissa Bird.
Q What is your age? A Over twenty years old but can't tell just what it is.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q What town do you belong to? A Eufaula Canadian.
Q Are you the mother of Jemima Bird? A Yes.
Q Where is Jemima? Is she living or dead? A There she is in that cradle.
Q When was Jemima born? A Don't know; can't say just when;it was born in August but can't tell just how old it is; the baby is awful small; been sickly all the time.
Q How many years old will Jemima be this coming August? A Don't know; she knows its over two years old but can't tell just how old it is.
Q Have you a record anywhere of the date of the birth of Jemima? A No sir.
Q Have you heretofore executed a birth affidavit in the matter of the birth of Jemima? A No sir.
Q Are you the mother of George Bird? A Yes sir.
Q When was he born? A Don't know that either but he is older than Jemima.
Q How much older? A She says she wont be positive but thinks its two years older.
Q About how old was George when Jemima was born? A It must have been two or three years.
Q Where is George? A He is dead.
Q How old was he when he died? A He was nothing but a baby when he died;just a little over a week old.
Q Was he more or less than a week old? A Might be more or less.
Q Was he two weeks old when he died? A Might have been; can't tell just exactly.
Q How many days old was he to your best recollection? A Don't know; that; can't remember it at all.
Q What month was he born? A She believes it was in June.
Q What year? A Don't know what year it was.
Q How many years ago? A Don't know that even;it has been a long time since he died.
Q Who would be able to tell the dates of the birth and death of George? A Don't know as there's anyone else;might refer you to her father.
Q Would anyone else be able to tell the date,of the birth of Jemima? A Her father's wife might be able to tell you.

Q Who was the father of Jemima and George? A That man sitting over there.
Q What is his name? A Sunny Bird.
Q Is he a citizen of the Creek Nation? A Seminole.
Q Was application ever made to the Commission for the enrollment of these children, or either of them, as citizens of the Creek Nation? A No sir.
Q Jemima is living, don't she? A Yes sir.

Sunny Bird being called and sworn testified as follows through Lewis McGilbra, sworn interpreter:

Examination by the Commission:

Q What is your name? A Sunny Bird.
Q How old are you? A Think I am about 28 years old.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A No sir.
Q Citizen of the Seminole Nation? A Yes sir.
Q Have you been enrolled and received an allotment in the Seminole Nation? A Yes, in the Seminole Nation.
Q Are you the father of George Bird? A Yes sir.
Q When was George Bird born? A Don't know sir.
Q What month was he born? A Don't remember.
Q Do you remember what year he was born? A Don't know that
Q How many years ago since George was born? A It must be five years and maybe more.
Q How long did George live? A Must be somewhere in the neighborhood of two weeks.
Q Do you know the exact number of days? A No sir.
Q Are you the father of Jemima Bird? A Yes sir.
Q When was jemima born? A In August.
Q What year? A Can't tell.
Q How old will Jemima be next month? A Can't tell only that it must be over two years.
Q How old was George when Jemima was born; how long before Jemima was born was George born? A It might have been two years.
Q What is your best judgment in the matter? A Two years.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 14 day of July, 1904.

Charles H. Dawson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., July 6, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of George W. Bird as a citizen of the Creek Nation.

Nancy Scott, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Nancy Scott.
Q What is your age? A About 40.
Q What is your post office address? A Eufaula, I. T.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Tumassee Bird, a daughter of Harley Thomas? A Yes, sir.
Q Did she have a child named George W. Bird? A Yes, sir.
Q Did you wait on her as mid-wife when that child was born? A Yes, sir.
Q Did you make a record of the date of George's birth? A Yes, sir.
Q Will you show me the record? A There it is.

Witness presents a book in which is written various notes, accounts, dates of births and dates of deaths etc. Some of the leaves have been lost. On one page are the following notes, written in pencil as follows:

George W. Bird Born May 12, 1900.
George W. Bird died July 30-1901
Jemima Bird Born Apr. 20, 1902.
Sampson Thomas 30 Sept.
Tody thomas died Mar, 15.

Q When was this entry in regard to the birth of George Bird made do you remember? A No, sir, I don't know when it was made.
Q When was the entry in regard to his death made, do you remember that? A No, sir, I don't remember.
Q Did you wait on Tumassee when Jemima was born? A No, sir, I was there when the boy was born but I wasn't there when the girl was born
Q When did you make this entry in regard to the death of Tody Thomas
A I don't know that either.
Q What is your best recollection regarding the birth of George Bird?
A Harley came here away in the night and wanted to have the best Medicine Woman and I told him that Maggie Sullivan was the best doctor and after he went back I wanted to go and see how she was and we went up there and there was a good many Indians up there and we stayed until it was born.
Q Do you remember what year or date that was? A No, sir.
Q You don't remember when you made that entry in regard to the birth of George? A No, sir.

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs.

Subscribed and sworn to before me this 11th day of July, 1904.

(Seal)

Oliver C. Hunkle.

Notary Public.

My Com Expires June - 1908

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., April 4, 1906.

In the matter of the application for the enrollment of Yardelm and Jemima Byrd as citizens of the Creek Nation.

TAMIKA BYRD, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Tamika Byrd.
Q How old are you? A About twenty-five.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Eufaula Canadian.
Q Do you make application for the enrollment of your minor children, Yardelm and Jemima Byrd, as citizens by blood of the Creek Nation?
A Yes, sir.
Q What is the name of the father of these two children? A Sunny Byrd.
Q Is he a citizen of the Creek Nation? A No, sir, he is a Seminole.
Q Is he your lawful husband? A Yes, sir.
Q If it should be found that your children, Yardelm and Jemima Byrd, are entitled to be enrolled in either the Creek or Seminole Nations in which nation do you desire them enrolled? A In the Creek Nation.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 21 day of April, 1906.

J. McDermott
Notary Public.

Ex. 582.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 11, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Jemima and George Bird as citizens by blood of the Creek Nation.

HARLEY THOMAS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Harley Thomas.
Q How old are you? A About 52.
Q What is your post office? A Eufaula.
Q Are you the Town King of Eufaula Canadian Town? A Yes, sir.
Q Do you know Timmissa Bird? A Yes, sir, she is my daughter.
Q Was she a child named Jemima? A Yes, sir.
Q How old is that child? A I think the child is nearly four years old.
Q What month was she born in? A In August.
Q Were you a member of the Creek Council when the first treaty was passed? A No, sir. I was a member prior to that time.
Q Was Jemima born before that treaty was passed or after? A I think she was a baby at that time.
Q Did Timissa have a child named George? A That was her first baby.
Q That child is dead is it? A Yes, sir.
Q How old was it when it died? A It died about four months after it was born.
Q Timissa said in her testimony that George was just a little over a week old when he died? A She was evidently mistaken because I am quite positive that the child was about four months old when it died. He was born in the early part of August.
Q George was born in August? A Yes, sir, I refer to George.
Q In what year was George born? A I cannot say as to that.
Q How many years has it been since he was born? A I can't say.
Q How much older was he than Jemima? A About two years I think.
Q Was George born before the Creek Land Office opened or after? A I am not certain as to that but I think George was born prior to the opening of the Creek Land Office.

------:O:------

I, D. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Nov 1904.

Chas. K. Kenyon
Notary Public.

A. 41

En. 668.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jemima and George Bird as citizens by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on July 2, 1904, Ramsey Bird appeared before the Commission at Eufaula, Indian Territory, and made application for the enrollment of her minor children, Jemima Bird and George Bird, deceased, as citizens by blood of the Creek Nation. Further proceedings in the matter of said application were had July 5, July 6, and October 11, 1904.

The application for the enrollment of George Bird is the only one considered in this decision.

The evidence shows that said George Bird was born prior to May 25, 1901; that he died prior to the date of the application herein and that he was not living April 1, 1899, July 1, 1900 or May 25, 1901.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said George Bird, deceased, as a citizen by blood of the Creek Nation, and that the application for his enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
JUN 14 1905

Cr.No.2252.

Muskogee, Indian Territory, June 27,1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of George Bird, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commission, dated June 14,1906.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

IM-6-27-41.

Cr.En.522.

Muskogee, Indian Territory, June 27,1906.

W. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribe in the matter of the application for the enrollment of George Bird, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

LM-6-27-37.

Chairman.

Gr.En.322.

Muskogee, Indian Territory, June 27,1906.

[illegible] Bird,

[illegible], Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, George Bird, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.
EM-6-27-06.

Chairman.

Cr En 522

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 25, 1905.

Tamisee Bird,

Eufaula, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 16,1905, the Department reopened the matter of the application made by you for the enrollment of your minor child, George Bird (deceased), as a citizen of the Creek Nation, and directed that you be given an opportunity to submit further testimony in said case tending to show the exact dates of the birth and death of said George Bird (deceased).

You are accordingly notified that said case is set for rehearing October 16, 1905, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Register.

No. 522.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
EUFAULA, I. T., AUGUST 21, 1906.

In the matter of the application for the enrollment of George W. Bird, deceased, as a citizen by blood of the Creek Nation.

TAMISSA BIRD being duly sworn testified as follows:

Through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

Q What is your name? A Tamissa Bird.
Q How old are you? A About 25.
Q What is your postoffice address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what Creek town do you belong? A Eufaula Canadian town.
Q Have you a child named George W. Bird? A Yes sir.
Q Do you know when the child died? A It has been so long I have forgotten the date of the child's death, but the child died in the middle of the summer, do not know whether it was in June or July.
Q How long has the child been dead? A The child has been dead just about five years.
Q How old was the child at the time of its death?
A The child was about a month old.
Q Are you positive the child was not more than a month old?
A Yes sir, it only lived a short time.
Q We have an affidavit executed January 26, 1903, by you and Nancy Scott in which it is stated that George W. Bird was born May 12, 1900, died July 30, 1901? A The dates given in the affidavit are not correct, the child did not live that long. It was born in June or July and died when it was about a month old. I signed the affidavit without knowing what dates were given.
Q Who was the child's father? A Sunny Bird.
Q Is he living? A Yes sir.
Q Did you have a child named Jemima Bird? A Yes sir, the child is living.
Q How old is she? A Jemima is now four years old.
Q Do you know when she was born? A She was born in August. We have a record showing the date of the birth of Jemima. (Witness presents a day book containing various accounts and entries, in which is found the following entry. "Jamima Bird born August 16, 1902").

Q Who made this record? A Lydia Thomas.
Q How long had this child, George W. Bird, been dead when Jemima was born? A The child had been dead a little over a year. Jemima was the next child born to me after George died.
Q Who attended on you at the birth of George? A Nancy Scott.

- - - - - -

LYDIA THOMAS being duly sworn testified as follows, through Alex Posey, Official Interpreter.

BY THE COMMISSIONER:

Q What is your name? A Lydia Thomas.
Q How old are you? A 30 years old.
Q What is your postoffice address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know Tamissa Bird? A Yes sir.
Q Any kin to you? A Yessir, she is my step-daughter.
Q Did you know a child of her's named George W. Bird? A Yes sir.
Q Do you know when the ~~fx~~ child died? A According to my best recollection the child died in July, the weather was very warm I remember.
Q How long has it been since the child died? A The child was born and died in this house and it has been dead five years.
Q How long did the child live? A About a month; or ~~xxxxx~~ Mrs. George W. Bird was born a year before my daughter, Emily Thomas, was born, Emily was born on the 21st of August, and is six years old today.
Q Was Emily born August 21, 1900? A Yes sir.
Q George then must have been born in July, 1899; is that right?
A Yes sir, that is about right.

- - - - - - - -

James B. Myers, being first duly sworn, states, that as stenographer to the Commissioner to the Five Civilized Tribes, he recorded the testimony in the foregoing proceedings, and that the above is a true, and correct transcript of his stenographic notes thereof.

James B Myers

Subscribed and sworn to before me, this, the 31 day of August, 1906.

Notary Public.

JBM

Cr.En.522

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Bird as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on July 2, 1904, Tamissa Bird appeared before the Commission to the Five Civilized Tribes at Eufaula, Indian Territory and made application for the enrollment of her minor child George Bird as a citizen by blood of the Creek Nation. That further proceedings were had in the matter of said application on July 5, 1904, July 6, 1904 and October 11, 1904. That on June 14, 1905, the Commission to the Five Civilized Tribes rendered a decision in the matter of said application denying the same, and on September 16, 1905, (I.T.D. 8826-1905) the Department reopened the matter of said application and directed further testimony to be taken in relation thereto. Further testimony in the matter of said application was taken at Eufaula, Indian Territory on August 21, 1906.

The evidence shows that said minor applicant is the son of Tamissa Bird, who is identified upon the authenticated 1896 tribal roll of the Creek Nation, Eufaula Canadian Town, as Tomesa, and also upon the 1895 pay roll at Eufaula Canadian Town, and whose name appears as Tumsey Thomas on the partial roll of Creek Indians by blood approved by the Secretary of the Interior March 28, 1902, opposite number 5762, and of Sunny Bird, who is a citizen of the Seminole Nation.

The evidence as to the date of the birth of George Bird is conflicting and rather uncertain. The most accurate testimony seems to be that of Lydia Thomas, who testified in this case on July 5, 1904 and on August 21, 1906. From her testimony it would appear that the said George Bird was born either in June or July, 1899, and that he lived but a few weeks.

The weight of the evidence seems to be in corroboration of the said testimony.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of George Bird as a citizen of the Creek Nation and the application for his enrollment as such is accordingly denied.

COMMISSIONER.

Muskogee, Indian Territory.

JHK

REFER IN REPLY TO THE FOLLOWING:
Cr.En.522.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 2, 1907.

Tamissa Bird,

Eufaula, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, George W. Bird, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-64.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. [illegible]

March 4, 1907.

[illegible] -1907.

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Creek citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of your letter of Transmittal.
Annie Davis, et al., (freedmen),	February [illegible], 1907
[illegible] Monika Davidson,	February [illegible], 1907
William Perryman,	February [illegible], 1907
[illegible],	February [illegible], 1907
[illegible] (deceased)	February [illegible], 1907
Mary Perryman, (deceased)	February 16, 1907
James Lurkey (deceased)	February [illegible], 1907
Constin and Isabell Rentie, (freedmen)	February [illegible], 1907
Snake,	February [illegible], 1907
James F. Pendleton, (deceased)	February [illegible], 1907
Lilly Valentine, et al., (freedmen),	February [illegible], 1907,
Frank Jackson, (deceased freedmen)	February 19, 1907
Rose Blanton, (freedmen),	February 20, 1907,
Lola Love, (freedmen)	February 18, 1907
Dora Lee and [illegible] C. Castle, freedmen,	February 19, 1907
James Doore, et al.,	February 8 1907
Charley Kernell,	February 8, 1907
Millard Smith, (freedmen)	February 16, 1907
Ella Jefferson (freedmen)	February 16, 1907
Bertha Anderson, (freedmen)	February 16, 1907
Katie Smith deceased (freedmen)	February 8, 1907
[illegible] deceased,	February [illegible], 1907
[illegible],	February [illegible], 1907,
[illegible], deceased,	February 23, 1907,
Nellie [illegible], (freedmen)	February 20, 1907,
[illegible] (or [illegible])	February 23, 1907
William Bennett, (freedmen)	February 19, 1907,
George V. [illegible]	February [illegible], 1907,
Joseph [illegible] Wheeler [illegible], deceased,	February [illegible], 1907
Charles [illegible],	February 23, 1907
William and [illegible] Parker,	February [illegible], 1907,
Richard [illegible], freedmen,	February [illegible], 1907
[illegible]	[illegible]
[illegible], freedmen,	[illegible]

[illegible] papers in the above mentioned cases [illegible] to the Indian Office.

Respectfully,

[illegible]

[illegible]

Refer in reply to the following.
Land 12789-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS
WASHINGTON March 1, 1907.

COPY

The Honorable,

The Secretary of the Interior

Sir:

There is enclosed report of Commissioner Bixby, dated February 2, 1907, transmitting the record relative to the application for the enrollment of George W. Bird, deceased, as a citizen by blood of the Creek Nation. On January 31, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The decision of the Commissioner has been examined, and found to be correct, and its approval is recommended.

Very respectfully,

C F Larrabee
Acting Commissioner

JPB LC

Cr. No. 832.

Muskogee, Indian Territory, March 14, 1907.

Tahlissa [illegible],

Eufaula, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 21, 1907, denying the application for the enrollment of your minor child, George W. Bird, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JBM

CA EN 523

Louis Frank is the child
of Levina Frank #189 on 1895
Eufaula Can. roll. = The 1895
Omitted shows that the
Levina Frank had child
Leah Frank — Levina
Frank says she never
had child by that name.
Has had but two children
Jane & Lewis (Louis) =

3012

E. A. 94.

Muskogee, Indian Territory, September 29, 1903.

Levina Frank,

Eufaula, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Louis Frank, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
[redacted], I.T. July 1, 1904.
EUFOLA

In the matter of the application for the enrollment of Louis Frank as a citizen of the Creek Nation.

Louinie Frank being sworn testified as follows through Lewis McGilbra, sworn interpreter:

[redacted]

Examination by the Commission:

Q State your name, age and post office address. A Eufaula; you know my name.------ Louinie Frank. I don't know.
Q About how old are you? A Can't guess at it.

Witness appears to be about 30 years old.

Q Are you a citizen of the Creek Nation? A Yes sir.
Q To what town do you belong? A Eufaula Canadian.
Q Have you a child named Louis Frank? A Yes, there is the one right there.
(The child is present.)

Q Who is his father? A Noah.
Q Is Noah a citizen of the Creek Nation? A Don't know that; whether he is or not.
Q Do you know whether Noah ever received an allotment as a Seminole? A Don't know.
Q Did he ever claim to be a citizen of the Seminole Nation? A No sir; she never heard him say anything.
Q Did he ever claim to be a citizen of the Creek Nation? A Yes sir.
Q Did you ever execute an affidavit in the matter of the birth of Louis Frank? A No sir.
Q Can you tell from memory the date of the birth of Louis? A She said she did know but she has forgotten.
Q When was his birthday? A Clear forgot the date; says she is a full blood Indian womanand she never has any record and forgets.
Q What month does his birthday come in? A It is in April; but forget s the date.
Q How old is Louis? A About 7 years old.
Q Is he as old as six years; are you positive that he is as old as six years? A Yes sir.

The child is present and appears to be at least six years of age.

Q Has application ever been made for the enrollment of Louis Frank as a Seminole? A No sir.
Q Noah Frank is your husband, is he? A Yes sir.
Q Are you separated from him now? A Must be; I never have seen him for some time.
Q How long has it been since he has been away-- about? A It might be ten years old.

-4-

Q Was Louis born when Sam went away? A He went way about a month before he was born.
Q Where did he go? A Don't know where he went; but he went off with [illegible] man. (Interpreter explains that it was a [illegible])
Q Is it your understanding that he was sent to the penitentiary? A [illegible]
Q Have you ever made application to the Commission before this time for the enrollment of Louis [illegible] and gave testimony as you have [illegible], that was her understanding.
Q Louis is living, to-day? She said he is still getting; it must be he is alive.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this [illegible] day of July, 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

No. 933.

In the matter of the application for the enrollment of Louis Frank as a citizen of the Creek Nation.

D E C I S I O N.

The record in this case shows that on July 1, 1904, Louinie Frank appeared before the Commission at Eufaula, Indian Territory, and made application for the enrollment of her minor child, Louis Frank, as a citizen by blood of the Creek Nation.

The evidence shows that said Louis Frank is the child of Noah and Louinie Frank, who are identified on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Nos. 6853 and 6854, respectively; that said Louis Frank was born prior to April 1, 1899 and living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Louis Frank should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 495) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,

INDIAN TERRITORY

JAN 5 1905

Creek No. 321

Muskogee, Indian Territory, January 7, 1905.

M. J. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Louis Frank as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Louis Frank will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

WOT-32

CA EN 524

CA EN 524

Department of the Interior
Commissioner to the Five Civilized Tribes
GENERAL OFFICE

Muskogee, I. T. [illegible]

Information desired:

[illegible]

Name [illegible]

Approved: [illegible]

Report:

[redacted] TRIBES.
[redacted], I.T. June 7, 1904.

In the matter of the application for the enrollment of [redacted] Newman as a Creek Freedman.

APPEARANCES: M.L.Mott, attorney for Creek Nation.

Hannah Newman being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Hannah Newman.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Twine.
Q Do you make application to be enrolled as a Creek freedman? A Yes sir.
Q Where were you born? A In Texas.
Q How long did you live in Texas? A Lived there until I was 21 years old or twenty.
Q Do you know the exact date of your birth? The day of the month?
A Yes sir; I guess it was the 14th day of September.
Q How old will you be the 14th of next September? A I will be 29.
Q You are married, are you? A Yes sir.
Q What was your name before you married? A Hannah Barnett.
Q Have you ever been married more than once? A No sir.
Q To what town in the Creek Nation do you claim to belong? A I don remember; what town is it, mama? (Mama says "Arkansas".)
Q Is Sarah Perryman your mother? A Yes sir.
Q Did you ever draw any money from the Creek Nation? A No sir I never drawed none.
Q Were you ever been enrolled as a citizen of the Creek Nation?
A No sir.
Q Were you ever admitted to citizenship in the Creek Nation? A No sir, I never did try.
, to get on only now.
Q What is the name of your father? A Charley Terry.
Q Is he living or dead? A Dead.
Q Do you make any claim that he was a citizen of the Creek Nation?
A No sir, my mother was.
Q What is the name of your mother? A Sara Newman.
Q Was her name formerly Barnett A Yes sir; that's her father's name.
Q Was she sometimes called Sarah Barnett? A Yes sir.
Q Sometimes called Sarah Terry? A Yes sir. She was Terry before she was married.
Q You claim the right to enrollment through your mother? A Yes sir.

The records of the Commission examined and it appears that Sarah Perryman is listed for enrollment on Creek Freedman card Field No. 1068, approved [redacted] No. [redacted].

It further appears that said Sarah [illegible] was admitted to citizenship in the Creek Nation by [illegible] tribal under the act of June 10, [illegible] of Sarah [illegible]. [illegible] in the application are [illegible] children, Nellie, Willie and Samantha, no other persons being [illegible] in the application.

The tribal rolls of the Creek Nation in possession of the [illegible] sion examined and the applicant [illegible] identified on any of [illegible] rolls nor does it appear from an examination of the records in posses- sion of the Commission that she has been admitted to citizenship in the Creek Nation by any authority.

Q Is there anything else you want to say about this? A Nothing else.

Sarah Newman being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sarah Newman.
Q How old are you? A Forty eight years old.
Q What is your post office address? A Twine.
Q You are a citizen of the Creek Nation, are you? A Yes sir.
Q Where were you born? A In Alabama.
Q When did you first come to the Creek Nation? A I don't recollect when; I come backwards and forwards- I don't remember how many times.
Q Were you ever here before the war? A No sir; I was here in Texas 8 years ago.
Q From where did you come? A Alabama.
Q About how long after the war was that you came here? A I don't know sir how long it was.
Q Was it a good many years? A Yes, it was several years after the war.
Q What was your name when you were a girl? A Sarah Barnett.
Q What was the name of your father? A Alex Barnett.
Q What was the name of your mother? A Rosa Barnett.

The Dunn roll examined and the witness not identified thereon.

Q You was admitted to citizenship by the Dawes Commission 7 or 8 years ago, were you not? A Yes sir; when they were first here.
Q You and your children, Nella, Willie and Samantha? A Yes sir.
Q Where was Hannah living then? A She was back in Texas; northern part of Texas. Both of them was.
Q Is that the reason you didn't include her in your application, because you were not here? A Well, the way it was; I wasn't here when the Commissioner got and my sister made application and she wasn't well enough to think of their names; she didn't know them well enough to think of their names; she just think of the young ones and I just got in like the Commission adjourned today- I got in tomorrow and I went to meet it.
Q How old is Hannah? A She will be twenty-eight, if I am not mistaken the 14th of next September.

Q She says so. A Well, she knows better than me; I am getting old, my mind aint right; [illegible] in there.

Henry G. Hains, being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that the above is a full, true and correct transcript of his stenographic notes in said case.

Henry G. Hains

Subscribed and sworn to before me this 14th day of July, 1904.

Charles H. Sawyer
Notary Public.

No. 934.

8913

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-vs-

In the matter of the application for the enrollment of Hannah Newman as a Creek Freedman.

-:DECISION:-

The record in this case shows that on July 7, 1904, Hannah Newman appeared before the Commission to the Five Civilized Tribes, Indian Territory, and made application for enrollment as a Creek Freedman.

The evidence shows that the applicant was about twenty-nine years of age at the date of the examination hereof.

The evidence further shows that neither the father or mother of the applicant are identified on the roll of Creek Freedmen made by J. W. Dunn, under authority of the United States, prior to March 14, 1867, nor does it appear that the applicant has ever been enrolled as a citizen of the Creek Nation; neither does it appear that she has ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Hannah Newman as a Creek Freedman, and that the application for her enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

FEB 2 1905

Creek No.926.

Muskogee, Indian Territory, November 2, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sallie Billie as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

MGM-19-10-17.

COPY.

Creek 22 326

Muskogee, Indian Territory, February 4, 1903.

Hannah Newman,

Twine, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully, Tams Bixby.

Chairman.

Register.
JYB-4-27.

COPY.

Creek 4B 524

Muskogee, Indian Territory, February 4, 1905.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Hannah Newman as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, in this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

JYK-4-28.

COPY.

Creek Ap 554

Muskogee, Indian Territory, February 4, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Hannah Newman as a Creek Freedman, including the decision of the Commission, dated February 2, 1908.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYM-4-19.

Refer in reply to the following:
Land
11344-1905

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, February 15, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 4, 1905, transmitting the record of the application, made July 7, 1904, for enrollment as a Creek Freedman by Hannah Newman.

February 2, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was about twenty nine years of age at date of application; that neither her father or mother are identified on the Dunn Roll nor does it appear that she has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee
Acting Commissioner

M.M.M.
W.

#624

SECRETARY'S OFFICE

DEPARTMENT OF THE INTERIOR.

Washington, D.C. LLE

I.T.D.1547-1906
LRS

February 9, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of June 6, 1905, you are advised that a motion for review has been filed in the matter of the application for the enrollment of Hannah Newman as a Creek freedman.

Respectfully,

Thos Ryan

First Assistant Secretary.

Cr.Mn. 524

J.P.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 1696-1905
2840-1906.
3655- "

April 12, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has considered the motion for review in the Creek freedman case of Hannah Newman, of the filing of which you were advised February 9, 1906.

June 6, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes of February 2, 1905, rejecting the application for the enrollment of this claimant, as it did not appear that she had "ever been enrolled as a citizen of the Creek Nation; neither does it appear that she has ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory."

It is now urged, referring to the decisions of the Department of May 7, 1904, in the case of Chaney Trent, and of April 15, 1905, in the case of Frank London , that the applicant is entitled to enrollment, as her mother, Sarah Barnett, or Terry, was recognized as a citizen of the Creek Nation by the Commission to the Five Civilized Tribes under the act of June 10, 1896 (29 Stat. , 321), and has been duly enrolled.

The appli cant was, on her own showing, 29 years of age at the time of her application, July 7, 1904.

While it is true that the Department held that, under certain circumstances, the admission of the parent to citizenship in said nation, by tribal authority, admitted the child theretofore born, including adults, the Department can find no material similarity between the cases mentioned in the motion and that of the applicant. There are, in fact, material differences. Hannah Newman was born in Texas in 1875, and was not residing in the Creek Nation at the time of the alien act of October 26, 1899, and was not residing in the nation at the time of the recognition by the Commission of her mother, and did not go to the nation from Texas to reside until after she reached her majority.

No reason is found why the decision of June 6, 1905, should be disturbed, and the otion is accordingly denied.

Respectfully,

(Signed) Thos . Ryan

First Assistant Secretary.

S.E.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.1696-1905
L R S

LLB
June 6, 1905

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 4, 1905, you transmitted the record in the matter of the application of Hannah Newman for her enrollment as a Creek freedman, including your decision dated February 2, 1905, adverse to the applicant.

February 15, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated February 2, 1905, denying the application of Hannah Newman for her enrollment as a Creek freedman is hereby affirmed.

Respectfully,

E A Hitchcock

Secretary

1 inclosure

Muskogee, Indian Territory, June [illegible], 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 6,1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Hannah Bowman, as a Creek Freedman.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 19, 1906.

Hannah Newman,

Taft, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 6, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

B. A. 112.

Muskogee, Indian Territory, November 19, 1906.

Mary Malvern,

Checotah, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Tressie Malvern, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

112

IN RE

Application for Enrollment of

INFANT CHILD

Jessie Malvern

as a citizen of

Creek Nation.

Approved, ... 190...

..... Commissioner.

Parents live 2 miles
East of Checotah.

Father + mother on Dawes
Card # 4440

Jany 8. 1903

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Tressie Malvern (Here insert name of child.), born on the 25th day of March, 1901

Name of Father: John Malvern, a citizen of the Creek Nation.

Name of Mother: Mary Malvern, a citizen of the Creek Nation.

Post-office, Checotah, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Mary Malvern, on oath state that I am 27 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful wife of John Malvern, who is a citizen, by blood, of the Creek Nation, that a female (male or female.) child was born to me on the 25th day of March 1901, that said child has been named Tressie Malvern, and is now living.

WITNESSES TO MARK (Must be Two Witnesses)

Mary Malvern

Subscribed and sworn to before me this 31st *day of* December *1902.*

My Commission Expires July 1, 1906.

J. B. Morrow NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Tina Manual, a midwife, on oath state that I attended on Mrs. Mary Malvern, wife of John Malvern, on the 25th day of March, 1901; that there was born to her on said date a female (male or female.) child; that said child is now living and is said to have been named Tressie Malvern

WITNESSES TO MARK: (Must be Two Witnesses) A A Smith, L A Johnson

Tina Manual her X Mark

Subscribed and sworn to before me this 1st *day of* January *1903*

1906.

J. B. Morrow NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Checotah, I. T., June 23, 1904.

In the matter of the application for the enrollment of Tressie Malvern as a Creek freedman.

Mary Malvern, being duly sworn, testified as follows:

By the Commission.

Q What is your name? A Mary Malvin.
Q What is your age? A Twenty-nine.
Q What is your post office? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Canadian.
Q How do you spell your name? A M-a-l-v-i-n.
Q Do some spell it M-a-l-v-e-r-n? A Yes, sir.
Q Did you have a child named Tressie? A Yes, sir.
Q When was Tressie Malvern born? A Well she was born in 1901 about March 25th, as near as I can remember.
Q Is Tressie Malvern living? A Yes, sir.
Q Have you any record of the date of the birth of Tressie Malvern?
A No, sir.
Q Where is Tressie Malvern now? A This is her.

The child [illegible] is present.

Q How old is Tressie Malvern now? A Three.
Q When will she be three? A As near as I can remember, it was in 1901, and this is 1904.
Q Well that doesn't answer my question. I want to know when will she be three. A In March, this March gone.
Q Have you any children born since Tressie was born? A Yes, sir.
Q Where are they now? A Dead.
Q How many children have you had born since Tressie was born? A One.
Q When was it born? A It was born sometime the latter part of August.
Q What year? A 1903.
Q How many crops have you raised since Tressie was born? A Two.
Q Are you counting this year? A No, sir; I am not counting this year.
Q Did you have a doctor in attendance when Tressie was born? A No, sir.
Q Did you have a midwife? A Yes, sir; she got here afterwards.
Q Why is it you have waited so long to appear and give testimony in this case? Why didn't you come in to the Commission and bring your witnesses and present your evidence? A Well last year I was sick, all the time until late along in the spring, I haven't been well, I staid in about, I guess, about three months.
Q Who of your neighbors would know about the date of the birth of Tressie? A Why,,my mother-in-law.
Q What is her name? A Mary Malvern.
Q What is the name of the person who attended you as midwife? A Tena Manuel.
Q What is the name of this little girl here (Indicating a child present)?
A Luanna.
Q Have you filed for her? A Yes, sir.
Q Is her name Luanna Malvern? A Yes, sir.

Mary Malvin, witness.

By the Commission.

Q When was she born? A She will be six years old the 13th, I think, of this coming July--that will be '98.
Q Can you read and write? A Yes, sir.
Q Do you know the nature of an oath? A No, sir; I don't know it ~~xxx~~ in----
Q In what? A In full.
Q Do you know that a person who takes an oath before a person authorized to administer oaths, and then testifies falsely is liable to imprisonment in the United States penitentiary? ~~xxxxxxxxxxxxxxxxxxxx~~ A Why that is one reason I didn't want to bother with it after there was such-------
Q Can you swear positively that Tressie Malvern was three years old last past March? A Yes, sir.
Q Are you sure she wasn't born in March, 1902? A I didn't have no children in 1902. Let me see--------
Q Do you keep the dates of the birth of your children in a book or on a paper or anything of that kind? A No, sir; I never had but one and it got burnt up, and I never put it down any more, and that was this one (Indicating Luanna), and my house got burnt up and I lost the date of it.
Q What is the name of Tressie's father? A John Malvern.

John Malvern, being duly sworn, testified as follows.

By the Commission:
Q What is your name? A John Malvern.
Q What is your age? A I think I am about twenty-eight this coming July.
Q What is your post office address? A Checotah.
Q Have you filed on your allotment? A Yes, sir.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you the husband of Mary Malvern? A Yes, sir.
Q Did she have a child by the name of Tressie? A Yes, sir.
Q Is that your child? A Yes, sir.
Q Can you read and write? A Well mighty little. I can write my name though, and can read writing.
Q Who does the writing for your family? A Why my wife does the most of it.
Q Do you know when Tressie was born? A Why I think I know.
Q What is your best recollection? A Why I think it was along about March 25th, 1901, that is the best I can remember.
Q How many crops have you raised since Tressie was born? A I think it is two, if I haint mistaken.
Q Is that counting this year? A No, sir; I think it is two besides this one.
Q Can Tressie talk? A Yes, sir; she can talk a little.
Q How long has she been talking? A Oh she has been jabbering now for about a year, I reckon, trying to talk.
Q How many teeth has she? A She has got them all.
Q How many words can she say? A Why I don't know, she can call me and mamma to give her some water and bring her candy, ask me when I am going to town.

Mary Malvin, recalled, testified as follows:

By the Commission.
Q Were there any other children in this neighborhood born about the time Tressie was born? A Yes, sir.
Q Whose child? A I know Sarah has one.
Q Sarah who? A Sarah Martin.
Q Any others? A I am just thinking now---I know there were children

Mary Malvin, witness.

By the Commission.

in the neighborhood, but whether they were born at the same time, I don't know.
Q Which child was born first, your child Tressie or Sarah Martin's baby? A Why I think Sarah's is older than mine.
Q How much older? A I don't know.
Q What is the name of Sarah Martin's baby that was born about the same time your child Tressie was born? A They call him Man or Mose. I know his right name is Joe.
Q By what circumstance or thing do you set the date of the birth of your child Tressie? What is it that makes you say Tressie was born on the 28th of March, 1901? What is it you go by? A Why because I didn't have any in 1902, because Tressie nursed all up--because I was nursing her in 1902.
Q How do you know Tressie was born in March and not in some other month of 1901? A Why I know it was in the month of March, but just what note to give you, I couldn't produce any.
Q When you didn't set it down in a book, I want to know how you remember it? A Well I am telling you now, I am giving it to you just as near as I can possibly remember.

Tena Manuel, being duly sworn, testified as follows:

By the Commission.
Q What is your name? A Tena Manuel.
Q What is your post office address? A Checotah.
Q What is your age? A About fifty-two, I guess, I couldn't tell exactly.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arkansas.
Q Do you know John and Mary Malvern? A Yes, sir; I knows them.
Q Were you the midwife when their child Tressie was born? A Yes, sir.
Q Do you remember when Tressie was born? A Why I couldn't remember the date of the month. I was the midwife. I never keeps account of that.
Q Do you remember the month that Tressie was born? A Why if I mistake not, I think it was November, if I mistake not.
Q What year was that? A I couldn't tell you, because I didn't keep no account of that.
Q Do you keep a record of your services in a book? A No, sir; because I can't read nor write, and I never keeps no account of it, because I can't.
Q How old is Tressie? A Why Mister, I couldn't tell you, because I couldn't tell exactly how old Tressie is.
Q Are you sure about the month that Tressie was born? A I tell you I think it was in November. Of course, I never bothers to keep the time of the month, and I never knows nothing about that.
Q Do you remember whether it was cold weather? A Well it was in the fall; I am sure of that; I can't tell whether it was cold weather or not.

Oliver C. Hinkle, being duly sworn, upon his oath states as stenographer for the Commission to the Five Civilized Tribes, that he reported the proceedings had in the above entitled cause on the 23rd day of June, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle.

Subscribed and sworn to before me this 12th day of July, 1904, at Mellette, Indian Territory.

L. G. McCorkle
Notary Public.

My commission expires
Mch 10-1907

[redacted]

[redacted] being duly [redacted]

By the Commission.

Q What is your name? A [redacted] Martin.
Q What is your age? A Twenty-three.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Canadian.
Q Have you filed on your allotment? A Yes, sir.
Q Have you a child by the name of Joseph Martin? A Yes, sir.
Q Where is he? A Right here.

By the Commission.

The child is present.

Q Have you heretofore executed an affidavit in the matter of the application for his enrollment as a Creek Freedman? A Yes, sir.
Q Why have you never offered any further evidence? A Because they said I couldn't no good. Several gone up there and said I couldn't get no land for him, and I quit bothering them.
Q Who was it said that? A My brother John Malvern.
Q How along ago did he tell you that? A About two or three months, I guess.
Q Where is he living? A Lives Southwest of here about two miles.
Q What is Joseph's father's name? A Dick Martin.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any Nation in Indian Territory? A A citizen of the Cherokee Nation.
Q When was your child, Joseph, born? A March 1, 1901.
Q How do you know that? A I know it by the day of the month.
Q Have you put it down anywhere in any book? A No, sir.
Q How is it that you remember the date exactly? A Just because I remember it, it's no trouble for me to remember the dates of my children's ages.
Q Have you any other children? A Yes, sir; two.
Q What are their names? A Florence Martin and Castella Martin.
Q How old is Florence? A She is five years old; she is almost six.
Q When was she born? A She was born July 17th--let me see--1904--in 1898.
Q When was Castella born? A She was born in 1903, April 12th.
Q Can you read and write? A Yes, sir.
Q Haven't you a record of the dates of the births of your children?
A No, sir.
Q Do you know of any other children in this neighborhood who were born about the same time your child, Joseph, was born? A John Malvin's children were born about the same time.
Q What is its name? A Tressie Malvin. It was born March 25th, 1901.
Q How do you know that? A That is what he says; I am not certain.
Q Did he tell you the date to say your child, Joseph, was born? A No sir; he didn't tell me the date of my child--his wife told me the date of her child.
Q How many teeth has Joseph? A I guess he has all of them.

2 Joseph Martin.

Sarah Martin, witness.

By the Commission.
Q Can he talk? A Yes, sir.
Q How well can he talk? A Talk well enough for me to understand anything he can say.
Q Tell what all can he say? A He can say anything I tell him to say.
Q Can't he say anything but what you tell him to say? A Oh, he talks without me telling him to say. I don't know what all he can say.
Q Does he talk as well as Florence? A No, sir. He can't talk as well as Florence. He can't talk as much plain.
Q How old is Joseph? A Three years old.
Q When will he be three years old? A He was three in March.
Q How many crops have you raised since Joseph was born? A This is making the third crop.

Arthur Martin, being first duly sworn, testified as follows:

By the Commission.
Q What is your name? A Arthur Martin, they call me Dick.
Q What is your age? A Thirty-three.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Are you a citizen of any Indian tribe? A Cherokee.
Q What is your wife's name? A Sarah Martin.
Q Have you a child by her named Joseph? A Yes, sir.
Q When was he born? A Born March 1, 1901.
Q Can you read and write? A Yes, sir.
Q Have you made application for his enrollment as a citizen of the Cherokee Nation? A No, sir.
Q How do you know that Joseph was born March 1, 1901? A Oh, I don't know,- I know it.
Q Did you put it down in a book? A No, sir.
Q Have you any other children? A Yes, sir.
Q How many? A Three.
Q What are their names? Arthur, Martin, Florence Martin and Castella Martin.
Q When was Florence born? A I will be dogged if I know--1898.
Q What month and date? A I think it was June, about the 17th I think, or July--I don't recollect.
Q When was Arthur born? A Now you have got me. I don't know. Arthur--well I can't tell you, but he is about thirteen years old. Never did set it down.
Q When was Castella born? A Castella was born last year.
Q What month? A I don't know unless it was in May. I can't get this children--boy's name day--I never did tell about it, I got tangled up about that.
Q Who was the midwife in attendance when Joseph was born? A Tena Manuel.
Q Does she live in this part of the country? A Yes, sir.
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Sarah Martin, recalled, testified as follows:

By the Commission.
Q Did you have a doctor in attendance at the time you gave birth to Joseph? A No, sir.
Q Did you or your husband make any large purchase at that time which you got on a credit? A No, sir; I don't remember.
Q Did you and Mary Malvin talk with one another about your children

3 Joseph Martin

xxxx Sarah Martin, witness.

By the Commission.

before you made out your birth affidavits? A Yes, sir, I made them before I made out my birth affidavits.

Tena Manuel, being first duly sworn, testified as follows:

By the Commission.
Q What is your name? A Tena Manuel.
Q What is your age? A About fifty-two, I guess; I couldn't tell exactly.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arkansas.
Q Do you know Dick and Sarah Martin? A Yes, sir.
Q Do you know their child Joseph? A Yes, sir.
Q You were the midwife in attendance at its birth? A I was the midwif
Q When was that child born? A Well, I disremember when that child was born. I did have it, too, but it slipped my memory just what month it was.
Q What kind of weather was it at the time? A Why I couldn't tell you it has been so long since it slipped my memory.
Q What year was it born? A Well I couldn't tell you that.

Oliver C. Hinkle, being duly sworn, upon his oath as stenographer for the Commission to the Five Civilized Tribes, states that he reported the proceedings had in the above entitled cause on the 23rd day of June, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) Oliver C. Hinkle.

Subscribed and sworn to before me this 12th day of July, 1904, at Mellette, Indian Territory.

SEAL. (Signed) L. G. McIntosh,
Notary Public.

My Com. expirg Apr. 10, 1907.

I, Zora Ellen Parrish, being duly sworn, upon oath state that, as stenographer to the Commission to the Five Civilized Tribes, the above and foregoing is a full, true and correct copy of the original.

Zora Ellen Parrish

Subscribed and sworn to before me this 4th day of February, 1905, at Muskogee, Indian Territory.

Notary Public.

[illegible]

Creek No. [illegible]

[illegible]

John Malvern,

Checotah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your minor child, Tressie Malvern, as a Creek freedman, the Commission desires further evidence.

You are hereby notified that you are required to bring before the Commission at its office in Muskogee, Indian Territory, two witnesses who know the date of birth of said child, in order that they may be examined under oath.

This matter should receive prompt attention.

Respectfully,

Chairman.

Register.

[redacted]

M. L. West,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of the testimony in the matter of the application for the enrollment of Tressie Malvern as a Creek freedman.

The Creek Nation will be allowed a reasonable time within which to introduce evidence in the case.

Respectfully,

Chairman.

West-7-7-7

525

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., January 4, 1906.

In the matter of the application for the enrollment of Tressie Malvern, as a Creek Freedman.

SUPPLEMENTAL TESTIMONY.

APPEARANCES: M. L. Mott, Attorney for Creek Nation,
Rutherford & Cravens, Attys. for applicants.

Carried Magill, being first duly sworn, testified as follows:

By the Commission:

Q. What is your name? A. Carrie Magill.
Q How old are you? A Twenty-three years old.
Q What is your post office address? A Checotah.
Q Do you know John and Mary Malvern? A Yes, sir.
Q Do you live near them? A Yes, sir.
Q. Did you ever know of a child of John and Mary Malvern by the name of Tressie. A Yes, sir.
Q Are you related to the Malverns? A No, sir.
Q When was Tressie born? A Tressie was born March 25, 1901.
Q Were you present when she was born? A No, sir.
Q How far did you live from them? A Two miles.
Q How long after the birth of Tressie before you saw her. A Just a short while, about next day.
Q Is Tressie Living? A Yes, sir, she is living.
Q How do you know she was born on March 25, 1901? A. Well, I heard positive it was then.
Q Have you any children? A Yes, sir, I have one child.
Q How old is this child. A Five years old.
Q When was it born? A It was born 3d of May, 1899.
Q Are you a citizen of the Creek Nation? A Nosir.
Q Do you know of any children born to Creek citizens about the time Tressie was born? A Well, I know of one child who was born, I ain't certain the date, but I know it was born shortly before Tressie.
Q What is the name of this child? Joe Martin.
Q Joe Martin was born before Tressie Malvern? A Yes sir.
Q How long ebefore? A I don't know the exact time.
Q Were you present when Joe Martin was born? A Yes, sir.
Q How long before it was born were you present? A Well, I just don't know how long before.
Q How old is Tressie Malvern now? A I just don't know how old she is.
Q You say she was born on the 25th day of March, 1901 this coming March, how old will she be? A (Counts) She will be five years old.

[illegible]

sir, well just [illegible]

Q [illegible] Mary Malvern [illegible]
Q When did she die? A [illegible] she [illegible]
Q About a year ago? A I [illegible] about along that [illegible]
Q Did you live near them when she died? A She didn't die out home.
Q You heard of her death? A Yes, sir.
Q Soon after she died? A Yes, sir.
Q Where did she die? A She died at Boyington.
Q Six months ago? A Now don't know how long ago.
Q How does it come that you know the exact date when Tressie was born, and that is over four years ago, and yet you cannot remember the date of the death of Tressie's mother. A. I put it down about her birth.
Q Where did you put it down? A I put it in a book at home.
Q Have you that book with you? A No sir.
Q How did you come to make that record? A I just put it down.
Q Along with the births of your own children? A Nosir, I have no record of my childrens birth

Witnesses and attorney for applicant, who is present are advised, that the Commission desires the record regard the age the witness put down the birth of Tressie's birth.

Q Where is Tressie Malvern now? A At home.
Q With whom does she live? A With her grandmother.
Q Does the grandmother live with John Malvern? in the same home with the father of the child? A Yes, sir.
Q Was Tressie with her mother when she died? A Yes sir.
Q Do they live in Boyington now? A Yes sir.
Q The only way you remember the birth of Tressie is because
Q you put it down? A No, that ain't the way I just naturally remember the exact date.
Q When did you last look at that record? A I don't remember.
Q Did you see it recently? A No, sir.
Q Can you get that record? A I don't know whether I can or not.
Q Why can't you get it? A Well, I think maybe the children tore it up.
Q Have you any other children that are dead? A Just one.
Q

EXAMANATION BY R. R. ~~Rutherford~~ Cravens

Q Have you been shown by this Commission the birth affidavit giving the date of Tressie Malvern? A No, sir.

Q [illegible]
Q [illegible] old are you? A [illegible] August.
Q [illegible] your father's address? A [illegible]
Q [illegible] know John and Mary Malvern? A Yes, sir.
Q [illegible] related to them? A I am John's brother.
Q Do you know of a child of their's by the name of Tressie? A Yes, sir.
Q When was Tressie born? A In March 1901.
Q Do you know what day ofthe month? A No, sir, I don't know what day.
Q Were you present when Tressie was born? A Yes, sir.
Q How far did you live from them? A About a quarter of a mile.
Q How long after the birth of Tressie before the mother of the child took sick? A I can't remember the exact time.
Q You don't remember that date? A No, sir, I can't tell you the date.
Q Have you any children? A Yes, sir.
Q Born after the time Tressie was born? A A boy that was born in January, 1901.
Q What is the name of the child born in January, 1901? A Albert.
Q You say your child, Albert was born in January 1901? A It was born in January 1900, believe it was 1900/
Q When was it born, in January 1901? A No, sir, 1900.
Q Is Tressie Malvern living now? A yes, sir.
Q How old is she now? A I think she will be four years old next March some time, I don't know what day.
Q Is the mother of Tressie living? A No, sir she is dead.
Q When did she die? A About two months ago.
Q Do you know the day or month? A I don't know the day or moth.
Q How does it come that you remember the exact date of the birth of Tressie Malvern, a few years ago, and yet do not remember the day or month her mother, Mary Malvern died? A Well I just was in town leasing lands for Spaulding, and John Malvern asked me to see about his filing, and he told me his wife had died.
Q About when was this? A I think some time in November.
Q She died this last November then? A Yes, sir.

The records of the Commission have been examined and John and Mary Malvern are identified on Creek Freedman card, No. 444, and it appears that they were listed for enrollment on Creek Freedman roll, March 13, 1902, Nos. 1720 and 1721, respectively.

[illegible] Albert [illegible] years.
[illegible] now what years he [illegible] born? A 1880.

By the Commission.

Q You say that Tressie Malwern was born in March 1901. A Yes, sir.
Q How long did the mother live after the birth of the child?
A She lived a little over three years.
Q How far do you live from them? A About a quarter of a mile.
Q Are there any other children besides Tressie. A Yes, sir.
Q How many? A One, there were two.
Q One is dead? A Yes, sir, one living and one dead.
Q What day did he come to you about this? A He came to me about a month ago, and told me about it.
Q Did you know the mother of this child Tressie? A Yes, sir.
Q Did you tell John Malvern he had better come in and file?
A Yes, sir.
Q How did you come to tell him? A Well I knew that unless he came soon it would be too late, so I told him he had bet[illegible] hurry up and come to Muskogee and file for Tressie.
Q He had had two years and over to do this, why did you not tell him before? A Well I just didn't have time.
Q Didn't have time? A No, sir.
Q Didn't you tell him before there was danger in waiting? A Yes, sir, I told him he would lose out.
Q You told him he would lose out? A Yes, sir.
Q Did you know that children born after May 25, 1901, could not be enrolled? A Yes, sir, I knew that.
Q Who told you? A I just heard it about.
Q Do you know hot long his wife was sick ? A Well she was just about all the time.
Q Do you know how long Mary Malvern was sick after the birth of Tressie? A No, sir.
Q Tressie was born in March 1901. A Yes, sir.
Q Did you tell John Malvern he could not file after May 25, 1901? A Yes, sir.
Q Why did he wait so long before making application? A I don't know sir.
Q Where is Tressie? A She is living at home.
Q Any minister living near there? A Yes, sir.
Q What is the name of this minister? A C. J. Askew.

By R. R. ~~Rutherford~~ Cravens:
Q Are you a Freedman? A Yes, sir.

By the Commission:
Q How many crops of cotton have you made since Tressie was born? A I have made three, one the year she was born.

Q How many crops have you made since Tressie was born?
A I have made two crops since she was born.
Q Was that every year she was born? A Yes, sir.
Q How many crops of corn have you made since Tressie was born?
A Four.

By L. R. [illegible]

Q Do you know between the date of Tressie's birth and the death of her mother, what the condition of her mother's health was, and whether she was an invalid or not. A Yes, sir I know that she has been an invalid for five or six years.

EXAMINATION BY M. L. MOTT:

John Malvern, being first duly sworn, testified as follows:

Q What is your name? A John Malvern.
Q You have testified in this case before? A Yes, sir.
Q Are you the father of Tressie? A Yes, sir.
Q How long has your wife been dead. A My wife died in November, about sometime over a month ago.
Q How old was your wife when she died? A Twenty-one years.
Q How many times have you been in Muskogee since 1901. A Didn't come to Muskogee but once in 1901.
Q When was that? A I can't exactly tell when that was?
Q Summer or winter time? A In the winter time.
Q The latter part of the winter or the first part? A The last part of the year.
Q Were you in Muskogee some time during the year of 1902? A I thing I was in 1902, or 1903, I believe it was 1903.
Q Had your wife ever been here since Tressie was born? A Yes, sir she passed through herei going to Boyington.
Q How many times? A Just once.
Q What year was that? A She passed through here in 1901.
Q That was after Tressie was born? A Yes, sir.
Q She was herein then in 1901, after Tressie was born? A She was here in 1901.
Q How long after Tressie was born? A I can't tell the exact date.
Q When did you make application for Tressie? A In 1904.
Q Why did you not make application for her before? A My wife was sick most of the time, and I just couldn't get away.
Q Why didn't you make application for her when you were here in 1901 and 1902. A. Well I just didn't have time, when I came here.
Q Did you not know that unless you ~~[illegible]~~ made application for her before May 25, 1901, that you would lose out? A Yes, I was told that I would lose out if I didn't hurry?
Q You were told you would lose out? A Yes, sir.
Q Did your brother tell you you might be too late if you did not hurry up? A Yes, sir.
Q Why didn't you do it? A My wife was sick, and I just couldn't leave her, and kept putting it off.

Q You say that your wife passed through here in 1901, some time after Tressie was born; why did she not make application for Tressie then? A Well she was sick and was going here to see mother.

Q You did know then that you could not file after 1902? A Yes, sir.

Q Was your wife sick when you did make application in 1904?
A Yes, sir, she was sick then.

Q She was as sick then as she was when she passed through here on a visit to her mother in 1901.

Q If you could not leave her at any time during the years, 1901, 1902 and 1903, when she was sick, why could you leave her in 1904.
A Well, I just knew that I had better come or lose out.

Q Where did you do your trading? A At Checotah.

Q You livednear there? A Yes, sir, three miles from Checotah.

Q You went to Checotah often? A Yes, sir, all the time.

Q Continuously? A Yes, sir.

Q Well, now you say that the only reason that you did not make application before, was because your wife was sick and you could not leave her, is that so? A Yes, sir.

Q You have a child older than Tressie, have you not? A Yes, sir, but it is dead.

Q When was it born? A In July, I think it was the 13th of July?

Q Did you ever make application for this child? A Yes, sir.

Q What was the name of this child? A Louanna.

Q Have you any other children? A Yes, sir, one, it is dead.

Q When was it born? A IN October.

Q When did it die? A In October.

Q What year? A It died in 1903.

A Did you make application for it? A No, sir.

Q Because it was too late? A Yes, sir.

Q Did you know that children born after May 25, 1901, could not be enrolled? A Well, I believe I did, I think it was before May 25, I don't know what year exactly?

Q The year Tressie was born? A I expect so.born

Q Do you know that after May 25, 1901, children could not be enrolled. A Yes, sir.

WITNESSES EXCUSED.

Harriett Gray, being first duly sworn, states that as stenographer to the Commission to the Five Civili zed Tribes, she correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of her stenographic notes thereof.

Harriett Gray.

Subnscribed and sworn to before me this 19th day of January, 1905.

J D Campbell
Notary Public.

No. 625. I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Tressie Malvern as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on June 23, 1904, Mary Malvern appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Tressie Malvern, as a Creek Freedman. Further proceedings were had January 4, 1905.

A copy of the testimony in the case of Joseph Martin, Creek Enrollment Number 627, is made a part of the record herein.

The evidence shows that said Tressie Malvern was born March 25, 1901, and that she was living at the date of the application herein.

The evidence further shows that said Tressie Malvern is the minor child of John and Mary Malvern and that the names of said John and Mary Malvern are contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll Numbers 1720 and 1721, respectively.

It is, therefore, the opinion of the Commission that said Tressie Malvern should be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 15 1905

Cr 2a 585

Muskogee, Indian Territory, March 21, 1908.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Tressie Malvern as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date within which to file protest against said decision, and if, at the expiration of that time, no such protest has been made, said Tressie Malvern will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYM-21-18.

[illegible].

Muskogee, Indian Territory, June 2, 1906.

Carrie Magill,

Checotah, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Tressie Malvern, is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior, May 23,1905, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

Rutherford & Crawford,

Attorneys for Carrie McGill,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the name of Tressie Malvern is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior May 21, 1906, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

[redacted]

Martha Manley,

Eufaula, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Lindy Isaac Manley, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., July 8th, 1904.

IN THE MATTER OF THE APPLICATION for the enrollment of LINDY ISAAC as a citizen by blood of the Creek Nation.

ISAAC MANLEY being first duly sworn, testified as follows: Through L. G. McIntosh, official Interpreter.
By the Commission.
Q What is your name? A Isaac Manley.
Q What is your age? A About twenty-eight.
Q What is your post office address? A Mellette.
Q Are you a citizen of the Creek Nation? A Yes, sirs.
Q Have you a child named Lindy Isaac Manley? A Yes, sir; Lindy Manley.
Q Has there heretofore been executed an affidavit in the matter of the application for the enrollment of Lindy as a citizen of the Creek Nation?
A Yes, sir; witnesses, everything sworn and signed.
Q Do you desire to have Lindy enrolled as a citizen of the Creek Nation?
A That is the way I made out the affidavit, and I would like for it to go that way.
Q Is Lindy living? A Yes, sir.
Q What is her mother's name? A Martha.
Q Is Martha your wife? A Yes, sir.
Q Is she living with you now? A Yes, sir.
Q Is Lindy living with you? A Yes, sir.
Q Is Martha a citizen of the Creek Nation? A A Seminole.
Q Has she been enrolled and taken land as a Seminole? A Yes, sir; been filed there.
Q Have you been enrolled and taken your allotment as a citizen of the Creek Nation? A Yes, sir.
Q Can you read and write? A No.
Q Can Martha read and write? A No.
Q Was there any record made of the date of the birth of Lindy?
A No, no record of it, only it was made out there at the Seminole--there was an affidavit made, and she was enrolled there, but she gets no land.
Q Do you mean to say that an application was made to the Commission for the enrollment of Lindy as a citizen of the Seminole Nation? A No, made no application to have her file there, but to have her file in the Creek Nation. The land is very small there, and if we could get it here, that would be better.
Q How old is Lindy? A A little over two, pretty near three, somewhere about two and a half years old.
Q Have you any other young children? A Have got one younger. It has land and filed.
Q Do you mean to say that you have a child younger than Lindy who has filed in the Creek Nation? A -I didn't intend to state that, but that it was a little older than Lindy, a brother to Lindy.
Q What is its name? A We call him Archie at home, but in the Seminole I think it is recorded as Jacob.
Q He is enrolled as a Seminole then? A Yes, as a Seminole, and filed there. He has been filed there, but they wouldn't allow this younger one in at all, and I wanted to see whether I could get it here in the Creek Nation, is why I made my application.
Q Have you any children younger than Lindy? A No.
Q When was Lindy born? A I don't know exactly now, but there was an affidavit made of it and it is in the office of the Commissioners. I

[illegible]

[illegible] write and they have the record. [illegible] of my judgment. I don't know that they will be [illegible].

Q Who has the record? A William Cully. The record is away there at Wasakwa, but I have witnesses here who know it.

Oliver C. Hinkle, being duly sworn, upon his oath as stenographer for the Commission to the Five Civilized Tribes, states that he reported the proceedings had in the above entitled cause on July 8, 1904, at Eufaula, I.T., and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle.

Subscribed and sworn to before me this 12th day of July, 1904, at Mellette, Indian Territory.

(Seal)

L. G. McIntosh
Notary Public.

My commission expires
Apr. 14 1907

[redacted]

enrollment of [redacted]

[redacted]

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Harley Thomas.
Q How old are you? A Been giving my age as 61 but I am about 68 now.
Q What is your post office address? A Eufaula.
Q Are you the Town King of Eufaula Canadian Town? A Yes, sir.
Q Do you know Isaac Manley and his wife, Katie? A Yes, sir.
Q How far do you live from them? A About three miles.
Q Do you know their children? A Yes, sir, I think they had three children.
Q Do you know the name of the oldest one? A I am afraid to give the names for fear I might not give them right but I know that they have been drawing money in the Seminole Nation.
Q About how old is the oldest child? A Perhaps about seven years old.
Q How old do you think the next one is? A Between four and five I think.
Q Do you know whether one of them is called Lindy or not? A The girl is named Lindy I think.
Q About how old is Lindy? A Between four and five years old.
Q Is she living? A Yes, sir, all three are living.

------:O:------

I, D. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 4th day of December 1906.

Clerk U. S. Court

[redacted]

Through Miss Posey Official Interpreter.

By Commissioner:

What is your name? A William Sullivant?
How old are you? A Forty-Seven.
What is your post office address? A Eufaula.
Do you know Linnie Sullivant? A Yes, sir.
Do you have a child of his named Linnie? A Yes, sir.
How old is that child? A A little over three years old.
Do you know what month it was born in? A Yes, sir.
What month was it? A January.
Will that child three years old next January or will it be three next January? A Will be three years old next January.
Is Linnie any kin to you? A Yes, sir.
What relation is he to you? A Its nephew.
Q. Mr. Posey, we had forgot that the child is a little over three years old and the agent stated that the child will be three years old next January? A I will ask you again [illegible] what he means as to the age of the child? A (By Mr. Posey) He says the child will be three years old next January.

-------:O:-------

I, B. C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

B C Skaggs

Subscribed and sworn to before me this 14 day of Nov. 1904.

Charles [illegible]

Notary Public.

Muskogee, Indian Territory, June 5, 1906.

Isaac Manley,

Mallette, Indian Territory.

Dear Sir:

The Commission desires further evidence in the matter of the application for the enrollment of your minor child, Liny Isaac Manley, as a citizen by blood of the Creek Nation.

You are advised to appear before the Commission at its office in Muskogee, Indian Territory, within twenty days from date with two witnesses who know the date of the birth of said [redacted] Manley, and whether or not said child was living March 4, 1905.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 29, 1905.

Commission to the Five Civilized Tribes,
Seminole Enrollment Division.

Gentlemen:

Receipt is acknowledged of your letter of June 19,1905 (Sem. NB 66), in which you state that application has been made for the enrollment as citizens of the Creek Nation of Lentoce Manley, born January 16, 1902, and Mela Manley, born January 4, 1905. You state that it appears that the father of said children is Isaac Manley a citizen by blood of the Creek Nation, and ask if application has been made for the enrollment of either of said children as citizens of the Creek Nation.

In reply you are advised that on July 8,1904, Isaac Manley appeared before the Commission and made application for the enrollment of his minor child, Linda Isaac Manley, as a citizen by blood of the Creek Nation, and that on April 7,1905, Martha Manley made application for the enrollment of her minor children, Linda Manley and Melah Manley, as citizens by blood of the Creek Nation. Said Linda or Lindy Isaac Manley is identified as the Lentoce Manley, about whom you inquired, and Melah Manley appears to be the same person as Mela Manley referred to in your letter.

Isaac Manley has this day been written to appear before the Commission with Martha Manley, for the purpose of explaining certain conflicting dates in the testimony and affidavits relating to said children, and also for the purpose of making elections.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 23,1905.

Isaac Manley,

Mcalester, Indian Territory.

Dear Sir:

The Commission desires further evidence in the matter of the application for the enrollment of your minor children, Linda Isaac (or Lentece) Manley and Melah Manley, as citizens by blood of the Creek Nation. It appears from the evidence in said case that the mother of said children is a citizen of the Seminole Nation.

You are advised that you will be allowed twenty days from date within which to appear before the Commission at its office in Muskogee, Indian Territory, with the mother of said children and at least one other witness, who knows the exact dates of their birth. It will also be necessary to elect in which Nation you desire said children to be enrolled and receive their allotments of land .

Respectfully,

Chairman.

D. A. 114.

Muskogee, Indian Territory, November 19, 1903.

Sarah Martin,

Checotah, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Joseph Martin, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Ba-FEM-114.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Checotah, I. T., June 23, 1904.

In the matter of the application for the enrollment of Joseph Martin as a Creek freedman.

Sarah Martin, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Sarah Martin.
Q What is your age? A Twenty-three.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Canadian.
Q Have you filed on your allotment? A Yes, sir.
Q Have you a child by the name of Joseph Martin? A Yes, sir.
Q Where is he? A Right here.
By the Commission:
The child is present.

Q Have you heretofore executed an affidavit in the matter of the application for his enrollment as a Creek freedman? A Yes, sir.
Q Why have you never offered any further evidence? A Because they said I couldn't no good. Several gone up there and said I couldn't get no land for him, and I quit bothering them.
Q Who was it said that? A My brother John Malvern.
Q How long ago did he tell you that? A About two or three months, I guess.
Q Where is he living? A Lives southwest of here about two miles.
Q What is Joseph's father's name? A Dick Martin.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any nation in Indian Territory? A A citizen of the Cherokee Nation.
Q When was your child, Joseph, born? A March 1, 1901.
Q How do you know that? A I know it by the day of the month.
Q Have you put it down anywhere in any book? A No, sir.
Q How is it that you remember the date exactly? A Just because I remember it, it's no trouble for me to remember the dates of my children's ages.
Q Have you any other children? A Yes, sir; two.
Q What are their names? A Florence Martin and Castella Martin.
Q How old is Florence? A She is five years old; she is almost six.
Q When was she born? A She was born July 17th--let me see--1904--in 1898.
Q When was Castella born? A She was born in 1903, April 12th.
Q Can you read and write? A Yes, sir.
Q Haven't you a record of the dates of the births of your children? A No, sir.
Q Do you know of any other children in this neighborhood who were born about the same time your child, Joseph, was born? A John Malvin's children were born about the same time.
Q What is its name? A Tressie Malvin. It was born March 25th, 1901.
Q How do you know that? A That is what he says; I am not certain.
Q Did he tell you the date to say your child, Joseph, was born? A No, sir; he didn't tell me the date of my child--his wife told me the date of her child.
Q How many teeth has Joseph? A I guess he has all of them.

Sarah Martin, witness.

By the Commission.
Q Can he talk? A Yes, sir.
Q How well can he talk? A Talk well enough for me to understand anything he ever says.
Q Well what all can he say? He can say anything I tell him to say.
Q Can't he say anything but what you tell him to say? A Oh, he talks without me telling him to say. I don't know what all he can say.
Q Can he talk as well as Florence? A No, sir. He can't talk as well as Florence. He can't talk as much plain.
Q How old is Joseph? A Three years old.
Q When will he be three years old? A He was three in March.
Q How many crops have you raised since Joseph was born? A This is making the third crop.

Arthur Martin, being first duly sworn, testified as follows.

By the Commission.

Q What is your name?A Arthur Martin, they call me Dick.
Q What is your age? A Thirty-three.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Are you a citizen of any Indian tribe? A Cherokee.
Q What is your wife's name? A Sarah Martin.
Q Have you a child by her named Joseph? A Yes, sir.
Q When was he born? A Born March 1, 1901.
Q Can you read and write? A Yes, sir.
Q Have you made application for his enrollment as a citizen of the Cherokee Nation? A No, sir.
Q How do you know that Joseph was born March 1, 1901? A Oh, I don't know,- I know it.
Q Did you put it down in a book? A No, sir.
Q Have you any other children? A Yes, sir.
Q How many? A Three.
Q What are their names? A Arthur,Martin, Florence Martin and Castella Martin.
Q When was Florence born? A I will be dogged if I know--1898.
Q What month and date? A I think it was June, about the 17th I think, or July--I don't recollect.
Q When was Arthur born? A Now you have got me. I don't know. Arthur--well I can't tell you, but he is about thirteen years old. Never did set it down.
Q When was Castella born? A Castella was born last year.
Q What month? A I don't know unless it was in May. I can't get this children--boy's name day--I never did tell about it, I got tangled up about that.
Q Who was the midwife in attendance when Joseph was born? A Tena Manuel.
Q Does she live in this part of the country? A Yes, sir.
~~Q Did you have a doctor in attendance at the time you gave birth to Joseph? A No, sir.~~

Sarah Martin, recalled, testified as follows:

By the Commission.
Q Did you have a doctor in attendance at the time you gave birth to Joseph? A No, sir.
Q Did you or your husband make any large purchase at that time which you got on a credit? A No, sir; I don't remember.
Q Did you and Mary Malvin talk with one another about your children

3 Joseph Martin.

Mary Sarah Martin, witness.

By the Commission.

before you made out your birth affidavits? A No, sir; I didn't see her before I made out my birth affidavits.

Tena Manual, being first duly sworn, testified as follows:

By the Commission.
Q What is your name? A Tena Manuel.
Q What is your age? A About fifty-two, I guess; I couldn't tell exactly.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Arkansas.
Q Do you know Dick and Sarah Martin? A Yes, sir.
Q Do you know their child Joseph? A Yes, sir.
Q You were the midwife in attendance at its birth? A I was the midwife.
Q When was that child born? A Well, I disremember when that child was born. I did have it, too, but it slipped my memory just what month it was.
Q What kind of weather was it at the time? A Why I couldn't tell you it has been so long since it slipped my memory.
Q What year was it born? A Well I couldn't tell you that.

Oliver C. Hinkle, being duly sworn, upon his oath as stenographer for the Commission to the Five Civilized, states that he reported the proceedings had in the above entitled cause on the 23rd day of June, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle.

Subscribed and sworn to before me this 12th day of July, 1904, at Muskogee, Indian Territory.

L H. McMurtry

Seal

Notary Public.

My Com'n expires Apr. 10, 1907.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRONSTEDDOS.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 9, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

From the evidence on file in the Creek Enrollment Division in the matter of the application for the enrollment of Joseph Martin as a Creek Freedman, it appears that Dick Martin, father of said Joseph Martin, is a citizen of the Cherokee Nation.

You are directed to advise the Creek Enrollment Division whether the name of said Dick Martin or Joseph Martin appears upon the Cherokee tribal rolls, and if so whether they have been enrolled by the Commission as citizens of the Cherokee Nation.

A copy of the testimony in said application is herewith inclosed.

Respectfully,

Commissioner in Charge.

MCH-9-8.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1805

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 18, 1904.

Commission to the Five Civilized Tribes,
Creek Enrollment Division.

Gentlemen:

Receipt is hereby acknowledged of your letter of August 9, enclosing copy of testimony of June 23, 1904, in the application for the enrollment of Joseph Martin as a Creek freedman, and requesting to be advised as to whether the said Joseph Martin or his father, Dick Martin, have been listed for enrollment as citizens of the Cherokee Nation.

In reply you are advised that the Commission's records fail to disclose that application has ever been made to this Commission, for the enrollment in the Cherokee Nation, of the above mentioned persons under the names given. Testimony enclosed with your letter is herewith returned.

Respectfully,

Encl. 8-103.

Commissioner in Charge.
Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph Martin as a Creek Freedman.

DECISION.

The record in this case shows that on June 28, 1904, Sarah Martin appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Joseph Martin, as a Creek Freedman.

The evidence shows that Joseph Martin was born prior to May 25, 1901, and was living at the date of the application herein.

The evidence further shows that he is the child of Sarah Martin, and an examination of the records of the Commission shows that the name of said Sarah Martin is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, No. 5126.

It is, therefore, the opinion of the Commission that said Joseph Martin should be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stats., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 15 1905

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph [illegible]

D E C I S I O N.

The record in this case shows that on June 23, 1904, Sarah and Arthur Martin appeared before the Commission at Checotah, Indian Territory, and made application for the enrollment of their minor child, Joseph Martin, as a Creek Freedman.

The evidence shows that Sarah Martin, mother of the applicant herein, is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, No. 2126; that said Joseph Martin was born prior to May 25, 1901, and living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Joseph Martin should be enrolled as a Creek Freedman, in accordance with the provisions of the Act of Congress, June 28, 1902 (32 Stat. L., 500), and the Act

COMMISSION TO THE FIVE CIVILIZED TRIBES.

The evidence shows that Joseph Martin was born prior to May 25, 1901 and was living at the date of the application herein. The evidence further shows that he is the child of Sarah Martin, and an examination of the records of the Commission shows that the name of said Sarah Martin is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902 to 2126

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,

INDIAN TERRITORY

Dr #4 847

Muskogee, Indian Territory, March 21, 1905.

Mr L. Bott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joseph Martin as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no such protest has been filed, said Joseph Martin will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYM-R1-11.

No. 127.

Muskogee, Indian Territory, June [illegible]

Sarah Martin,

Checotah, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Joseph Martin, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior May 25,1906, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

CK EU 528

EU 528

[illegible]

[illegible]

Q What is your name? A [illegible]

[illegible]

[illegible] the deeds in the year but not the [illegible] living they got it at [illegible].

Q What's the name of the one that's living? A They call it [illegible].

Q [illegible] what? A [illegible] Billy.

Q How is Sallie dead? A Sallie's dead. There is another born and named after her and he didn't know it. There is another still living by that name and they didn't know it until they went to the Commission and found that out.

Q As I understand you then, there is a Sallie Billy living?

A Yes, sir, and goes by the name of [illegible].

Q The Sallie that is living then and [illegible] are the same person?

A Yes, sir, same person. He says they are all living and there is a Sallie Billy dead.

Q And there is a Sallie Billy dead? A Yes, sir, he says there is one dead and one living.

Q Well, when did that one who is dead die? A He says he don't know just exactly but the parents of that child he thinks have the record of it.

Q Who is the father of that child, of Sallie who is dead?

A [illegible] Billy.

Q Who is the mother? A [illegible] Billy.

Q How old was that Sallie Billy when she died? A She must have been about twenty years old when she died.

Q Do you know the year that Sallie Billy died? A No, sir. No, he says he don't know what year it was but he was there when it died, but don't remember what year it was.

[illegible] No. 14, continued.

Q [illegible] remember how many years [illegible] has been [illegible]? A [illegible] there [illegible] to tell. [illegible] may be ten years [illegible]

[illegible]

and bring them before the [illegible]

Q Do you think you can get [illegible] of the family to [illegible] that record? A He don't know whether he can or not [illegible] that Scott and Mrs. Scott knew just about [illegible] the [illegible] her brother you know, Sam Scott, he thinks he can bring them [illegible]

Q Ask him if he will do that? A Yes, sir, he will [illegible]

Retta Chick Hinkle, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings in the above entitled cause, and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Retta Chick Hinkle

Subscribed and sworn to before me this 14th day of July, 1904.

Seal

Oliver C. Hinkle

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Eufaula, I. T., July 6, 1906.

Supplemental testimony in the matter of the application for the enrollment of Sallie Billy as a citizen by blood of the Creek Nation.

BETTIE SCOTT, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Bettie Scott.
Q How old are you? A 36.
Q What is your post office address? A Eufaula, I. T.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Sallie Billy? A Yes, sir. I am not very well acquainted with her.
Q Is Sallie Billy living? A No, sir.
Q When did she die? A I don't remember.
Q About how many years ago? A Must be about 18 years.
Q How do you fix the time as about 18 years? A I fix it by this, married this man about 18 years ago and that girl died before that.
Q You mean Sallie Billy? A Yes, sir.
Q About how old was Sallie when she died? A I don't know. She might have been some where about 14.

ALBERT SCOTT, being duly sworn, testified as follows:

L. C. McIntosh Official Interpreter.

By Commission:

Q What is your name? A Albert Scott.
Q What is your age? A Some where between 44 and 47.
Q What is your post office? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Sallie Billy? A Yes, sir, well acquainted with her.
Q Was she related to you? A She was the daughter of my sister.
Q Is Sallie living? A No, sir, died.
Q How long has she been dead? A To the best of my judgment I suppose it to be about 17 years. I think I am near correct for I have a record at my house.
Q Was she dead before you were married to Bettie Scott? A I hardly knew Bettie when she died.
Q How long have you been married? Some where about 13 years.
Q About how old was Sallie? A She must have been about 18 for the menses caused her death.

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs.

Subscribed and sworn to before me this 18th day of July, 1906.

Olive C. Hinkle.
Notary Public.

My Commission expires June 1, 1909.

IN RE
THE DEATH OF

Sally Billy

a citizen of the

Creek Nation.

Approved 190

Commissioner.

On 1890 [illegible]
Not found [illegible]
Probably died before April 1899
[illegible]
Eufaula [illegible]
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

Filed Jany 7 1903

[illegible]

(Copy)

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Sallie Billy of Eufaula Town (Here insert name of deceased)

a citizen of the Creek Nation, who formerly resided at or near

Eufaula (Here insert name of postoffice) Ind. Ter., and died on the 6th day of

February, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Simon Billy of Eufaula Town, on oath state that I am 59

years of age and a citizen, by Blood, of the Creek Nation;

that my postoffice address is Eufaula (Here insert name of postoffice), Ind. Ter.; that I am

Uncle (State relationship to the Indian as uncle, aunt, etc.) of Sallie Billy (Here insert name of deceased)

who was a citizen, by Blood, of the Creek Nation;

and that said Sallie Billy (Here insert name of deceased) died on the 6th day of

February, 1900.

Witnesses to Mark: Simon his ✕ mark Billy

(Sign in Two Witnesses) { Sam Scott
Wm Rampendahl

Subscribed and sworn to before me this 26th day of September, 1900.

Seal

Comm ex July 2, 1906

Joshua Rose
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Sam Colbert, on oath state that I am 42

years of age, and a citizen by Blood, of the Creek Nation;

that my postoffice address is Eufaula (Here insert name of postoffice), Ind. Ter.;

that I was personally acquainted with Sallie Billy (Here insert name of deceased) of Eufaula Town

who was a citizen, by Blood, of the Creek Nation;

and that said Sallie Billy (Here insert name of deceased) died on the 6th day of

February, 1900. + Sam Colbert

Witnesses to Mark:

(Sign in Two Witnesses) { Sam Scott
Wm Rampendahl

Seal Subscribed and sworn to before me this 26th day of September, 1900.

Comm. Exp. July 2/1906.

Joshua Rose
Notary Public.

In the matter of the application for the enrollment of Sallie Billy as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on July 6, 1904, Simon Billy appeared before the Commission at Eufaula, Indian Territory, and made application for the enrollment of his niece, Sallie Billy, as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Eufaula, Indian Territory, on July 6, 1904.

The evidence shows that said Sallie Billy died prior to April 25, 1900.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Sallie Billy as a citizen by blood of the Creek Nation, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,
INDIAN TERRITORY
OCT 11 1904

Incl. No. 1

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory,

October 17, 1904.

SUBJECT:

Transmits record in matter of application for enrollment of Sallie Billy as Creek by blood

Creek No. 328.

Number of inclosures 1

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. Creek En. 528

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sallie Billy as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

HGH-19-10-17.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In reply to the following
En. 528.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 17, 1904.

Simon Billy,

Eufaula, Indian Territory.

Dear Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sallie Billy as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register
HGH-18-10-17

No. 826.

Muskogee, Indian Territory, October 17, 1904.

W. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sallie Billy as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

MOM-17-10-17. Chairman.

INDEXED

COMMISSION TO FIVE TRIBES.

No. 41355 Received NOV 1 1904

Indian Office,
Tomber,
Washington,
Oct. 28, 1904.

Stated certain papers were omitted from record in Creek enrollment case of Sallie Billy.

Office Ind. Affrs.
Oct.28,1904.

Transmits record in Creek citizenship enrollment case of Sallie Billy.

---

5 enclosures.

Refer in reply to the following:
Letter.
74288-1904.

314

Department of the Interior.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Oct.28,1904.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Under date of October 17,1904, you transmitted to the Secretary of the Interior, through this office, the record of proceedings in the matter of the application for the enrollment of Sallie Billy, as a citizen by blood of the Creek Nation.

In your letter of transmittal you state that you include prior decision in the case.

A careful examination fails to show the decision referred to.

The record is herewith returned that your decision may be appended thereto.

Very respectfully,

A B Donaldson

(M.M.M.) P.

Acting Commissioner.

[redacted] your decision of October 11, 1904, denying [redacted]

Reporting [redacted] under date November 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1,inclosure.

(Copy)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, NOVEMBER 15, 1904.

Land.
75273-1904.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated November 2, 1904, transmitting the record of the application for enrollment as a Creek citizen by blood of Sallie Billy, deceased.

October 11, 1904, the Commission decided adversely to the application.

The record shows that Sallie Billy died prior to April 1, 1899.

In view of the record and of section 28, of the act of Congress approved March 1, 1901 (31 Stats., 861), the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.M.
W.

[illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible]

Muskogee, Indian Territory, December 6, 1904.

Simon Billy,

Eufaula, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of November 28, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 17, 1904, denying your application for the enrollment of Sallie Billy as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Register

Muskogee, Indian Territory, December 2, 1904.

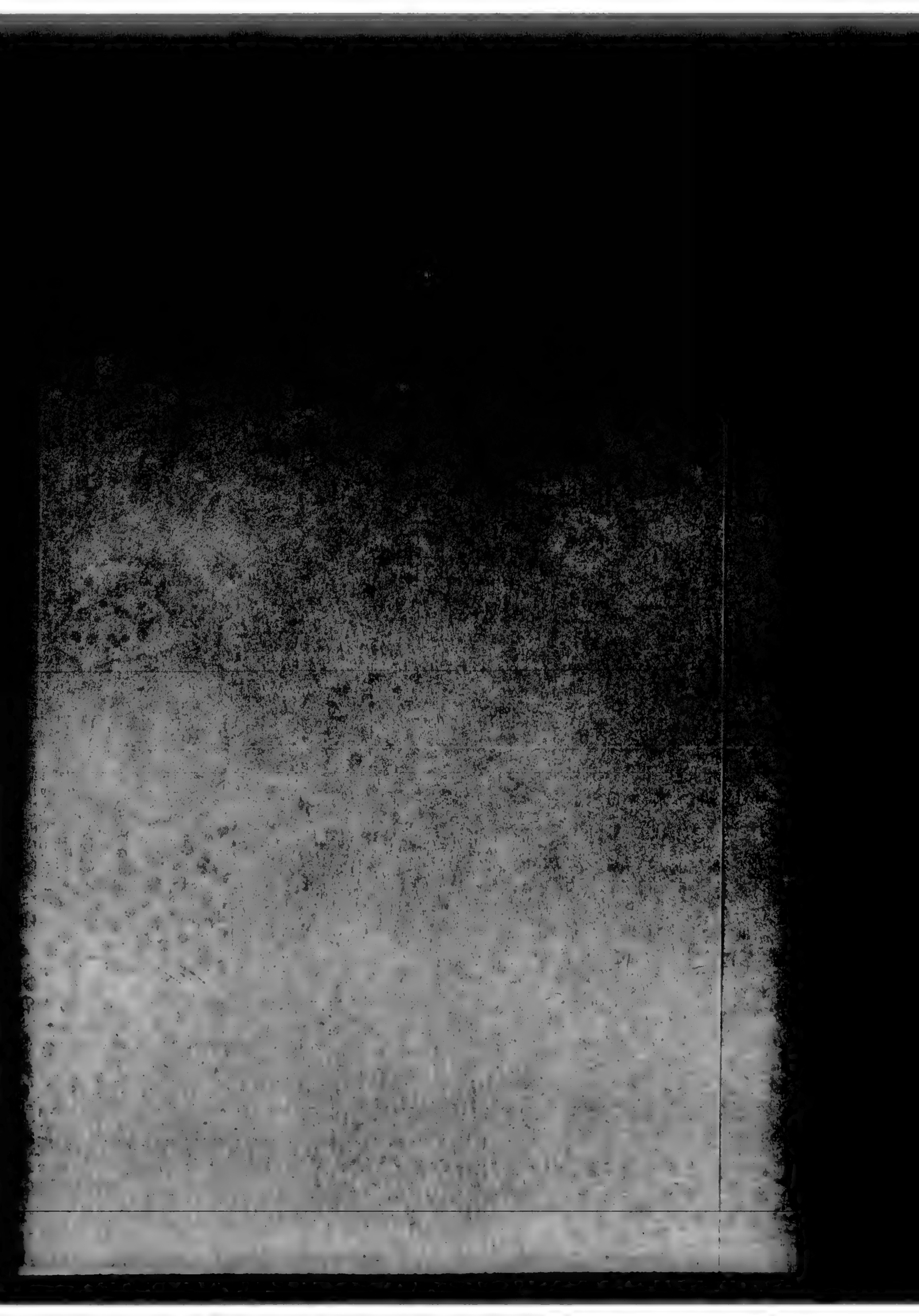
Sallie Billy,
Okmulgee, Indian Territory.

Sir:

You are hereby notified that the Secretary of the Interior, under date of November 28, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 17, 1904, denying the application for the enrollment of Sallie Billy as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 11, 1904.

~~SUPPLEMENTAL TESTIMONY~~ In the matter of the application for the enrollment of Walter Washington as a citizen by blood of the Creek Nation.

John Chisholm, being duly sworn, testified as follows:

L. G. McIntosh, Official Interpreter:

By Commission:

Q What is your name? A Nehayahola.
Q Have you any other names? A Several, John Chisholm.
Q Any others? A John Pulpucca.
Q Is that all? A That is about all.
Q How old are you? A 75.
Q What is your post office address? A Eufaula, nearer to Muskogee though.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tullahasseche.
Q Do you know Walter Washington? A I know him.
Q What was his mother's name? A Peggie.
Q What relation is Walter to you? A My grandchild.
Q Is Peggie, his mother, your daughter? A Yes, sir.
Q Do you know when Walter was born? A I know.
Q State the date? A 27th day of December. About 5 years past.
Q Will he be five next December or was he 5 last December? A Five last December.
Q Is Walter present here now? A Yes, sir.

By Commission:

The child is present and appears to be at least five years of age.

Q Has there been a birth affidavit filed with the Commission in regard to the date of the birth of Walter Washington? A We sent on an affidavit.
Q The records of the Commission show that a birth affidavit was filed with the Commission in regard to the birth of Walter Washington a child of Peggie. The affidavit appears to have been made by John Chisholm. That affidavit stated that Walter was born December 30, 1899? A A little while ago I stated 20 and in the affidavit it was put in 20.
Q Do you mean of December? A Yes, sir.
Q According to the birth affidavit filed, Walter would be five years old next December? A What I am governed by, I have another child about like this one and they are both five years past, and the other dates I gave was a lack of calculation, they are both five years past.
Q What is the name of that other child you refer to? A Jamima.
Q Jamima what? A Chisholm.
Q Has she been enrolled by the Commission? A No, sir, she is a Seminole.
Q Have you ever offered any supplemental ~~testimony~~ evidence excepting the affidavit to the Commission for Walter? A That is all.
Q Why didn't you? A I don't know why I didn't.
Q Does Walter live with you? A Lives at both places, sometimes with me and sometimes with Tarlosa.
Q Peggie his mother is dead? A Yes, sir.
Q Where was she living when she died? A She was living at her own home near where I am living.

[illegible] Washington-8.

[illegible]

[illegible] Peggie [illegible]

Have you a record of the date of the birth of Walter? A No.

Q Is Walter a full blood Creek Indian? A Yes, sir.

Tarlesha, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Tarlesha.
Q What is your age? A About 43.
Q What is your post office? A Eufaula.
Q Are you a citizen of the Creek Nation ? A Yes, sir.
Q What town do you belong to? A Tullahassoche.
Q Do you know Walter Washington, a child of Peggie and George Washington? A Yes, sir.
Q Is he living? A Yes, sir.
Q How close were you living to the place where he was born when he was born? A I was living in the house where he was born at the time.
Q Do you remember the date of the birth of Walter? A As to date I couldn't be very exact but I think it was on the 20th of December.
Q How old would you judge Walter to be? A I think he is a little over five years old.
Q Are you related to Walter? A Yes, sir.
Q What relation? A He is my nephew.
Q What relation were you to Peggie? A She was my sister. Me and Peggie were sisters' children.

------:O:------

D. C. Skaggs, on oath states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 12th day of July, 1904.

(Seal)

Oliver C. Hinkle.
Notary Public.

My com'n expires June, 1908.

In the matter of the application for the enrollment of Walter Washington as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 11, 1904, Wahcyahola appeared before the Commission and made application for the enrollment of Walter Washington, as a citizen by blood of the Creek Nation.

The evidence shows that said Walter Washington was born during the month of December, 1899, and was living at the date of the application herein.

The evidence further shows that the said Walter Washington is the child of Peggie and an examination of the records of this Commission shows that the name of said Peggie is contained in the partial list of Creek Citizens by blood approved by the Secretary of the Interior March 28, 1902, Roll No. 8701.

It is, therefore, the opinion of the Commission that the said Walter Washington should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the Acts of Congress, March 1, 1901 (31 Stat. 861), and June 30, 1902, (32 Stat. 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

JAN 5 1905

1721

IN RE

Application for Enrollment of

INFANT CHILD

Walter Washington

as a citizen of

Creek Nation.

Approved ..... 190....

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Walter Washington, born on the 20 day of December 1899

(Here insert Christian and surname)

Name of Father: George Washington citizen of the Creek Nation.

Name of Mother: Peggie Washington a citizen of the Creek Nation.

Post-office Eufaula I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Western District. }

I, Peggie Washington, on oath state that I am [illegible] years of age and a citizen, by Blood, of the Creek Nation; that I am the lawful wife of George Washington, who is a citizen, by Blood, of the Creek Nation; that a male child was born to me on the 20 day of December 1899; that said child has been named Walter Washington, and is now living.

(male or female.)

WITNESSES TO MARK:

(Must be Two Witnesses.) { Tabor his X mark
Father and mother are dead

Subscribed and sworn to before me this day of 190 .

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Western District, }

I, John Le his Thomas, a Creek, on oath state that I attended on Mrs. Peggy Washington, wife of George Washington on the 20 day of December, 1899 that there was born to her on said date a male child; that said child is now living and is said to have been

(male or female)

named Walter Washington

John Le his Thomas his X mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Tabor his X mark
Joe Smith

Subscribed and sworn to before me this 6 day of June 1903.

L. G. Stidham

NOTARY PUBLIC

Creek No. 748

Muskogee, Indian Territory, January 4, 1902.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Walter Washington as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of said time no such protest has been made, said Walter Washington will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-21

CR EU 530

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T. June 6, 1906.

In the matter of the application for the enrollment of John Morrison, deceased, as a citizen by blood of the Creek Nation.

APPEARANCES: M.L.Mott, attorney for Creek Nation.

Sallie Morrison being duly sworn testified as follows through Mr. Posey, official interpreter:

Examination by the Commission:

Q What is your name? A Sallie Morrison.
Q How old are you? A About- probably over 40.
Q What is your post office address? A Fry.
Q Do you make application for the enrollment of John Morrison as a citizen by blood of the Creek Nation? A Yes sir.
Q Are you his mother? A Yes sir.
Q Have you ever been enrolled as a citizen of the Creek Nation? A Yes sir
Q What is the name of the father of John Morrison? A Henry Morrison.

Records of the Commission examined and it appears that Henry and Sallie Morrison are listed for enrollment on Creek Indian card field No. 258, and that their names are contained in the partial list of citizens by blood of the Creek Nation, approved March 13, 1902, #856 and 857.

Q Is John Morrison living? A Dead.
Q When was he born? A I don't know that when the child was born but he was about fifteen years old when he died.
Q Have you a son named Amos? A Ananias.
Q Did you ever have a child named Robert? A No.
Q Lizzie? A No.

The 1895 payroll of the Creek Nation examined and John Morrison identified thereon at #119, Hitchite town.

Q When did John die? A The year the land office opendd.
Q What month did he die in? A People had begun filing on their land and they had arranged to go up about Sapulpa and select their allotments when he died.
Q Do you know Timmie Fife? A Yes sir.
Q Does he live near you? A He lives at Sapulpa and I live at Fry.
Q Who filed on the land for your family, you or Henry? A Henry.
Q Was John dead when Henry filed? A Yes sir.
Q How long had he been dead? A Shortly after he died- I don't know how long.

Q Can you tell how long? A Month or two months or a week; six months or what? A Probably about two months.

The records of the Commission show that a citizenship certificate was issued for Henry Morrison , his wife Sallie and two children, Jerry and Duffey, April 21, 1899, and that he made selections of land in the Creek Nation for himself and two children on that day; that a selection of land was made for his wife, May 12, 1900.

Q Did I understand you to say that John died about two xxxxx months before Henry filed for himself or any members of his family? A It is probably about that time;she is not certain about the date.

Silla Anderson being called and sworn testified as follows through official interpreter, Alex Posey:

Examination by the Commission:

Q State your name, age and post office address. A Silla Anderson; 34; Sapulpa.
Q You are a citizen of the Creek Nation, are you? A Yes sir.Always been told I am.
Q Is Sallie Morrison your sister? A Yes sir.
Q Did you know a child of hers named John? A Yes sir; died at my house.
Q Do you know the date of his death? A No sir.
Q Do you know what month he died in? A No sir.
Q Did he die before people began filing on lands here in the Creek Nation or after, or do you know? A Don't know.

Sallie Morrison recalled:

Q Did you ever have an affidavit made out about the death of John? A I instructed Timmie Fife to give information.
Q Timmie Fife says John died before the Creek land office opened.
A He probably knows.
Q He probably would know? A Yes sir; when did he make that statement?
Q On the 16th of last October. A Did Timmie give the month?
Q No. A Then Timmie does not know any more than she does as to the exact time of John's death.

The records of the Commission show that on October 16, 1903,at Okmulgee, Indian Territory, the evidence of Timmie Fife, a member of the House of Kings of Hitchite town, was taken in the matter of accounting for various persons of his town whose names appear on the Creek tribal rolls and among others, inquiry was made as to the date of the death of John Morrison and he answered:"He died just before the land office opened."

Q. Have you any way by which you can [illegible] [illegible] time of Johnny [illegible]? A. [illegible] and probably [illegible]
[illegible]
Q. Is there a [illegible]
Q. Did your [illegible]
[illegible]
[illegible]
the [illegible]

Q. Did you ever make affidavits? A. No.
Q. Who is Leroy Harrison, do you know him? A. No.

(Statement by Silla Anderson: She states that probably John Buffington of Sapulpa would know; they bought the coffin from him for John.)

Q. Do you know Louisa Harrison? A. No.

Henry G. Haine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haine.

Subscribed and sworn to before me this 18 day of July, 1904.

Charles H. Sawyer

Notary Public.

98

430

Muskogee, Indian Territory, November

William Anderson,

Sapulpa, Indian Territory.

Dear Sir:

The Commission has been informed that you could furnish information as to the date of death of John Morrison, son of Sallie Morrison.

There is inclosed a blank form of death affidavit and you are requested to fill out same, giving the date, as near as may be, of the death of said John Morrison. When executed, return the affidavit to the Commission in the enclosed envelope which requires no postage.

Respectfully,

Chairman.

1 D.A.

Ex. 636.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Sapulpa, I. T., July 10, 1905.

In the matter of the application for the enrollment of John Morrison as a citizen by blood of the Creek Nation.

TIMMIE FIFE, being duly sworn, testified as follows:

BY COMMISSION:

Q What is your name? A Timmie Fife.
Q How old are you? A About forty-eight.
Q What is your post office address? A Sapulpa.
Q Did you know a child of Sallie and Henry Morrison called John Morrison? A Yes, sir.
Q He is dead is he? A Yes, sir.
Q Do you remember when he died? A No, I don't hardly remember the date.
Q Did he die before the land office opened? A Just about opened when he died. I can't say whether it was the first of March or the first of April. I was away from here when he died.
Q You think he died just about the time the land office opened? A Just about. A little before, I understand.
Q Did he die before you filed on your land? A Yes, sir.
Q When did you file on your land? A 1900.
Q How long before you filed on your land did he die? A About a year.
Q Do you remember what month he died in? A He died in March or April, or he may have died a little later than that.
Q Do you know any one who would know when John Morrison died? A William Anderson ought to know. He died at his place.
Q Do you know where he was buried? A He was buried at Post Oak.
Q Do you know whether they bought any burial material for him? A I can't say.
Q Do you know whether or not they put a head-board over his grave? A No, sir. Anderson would know better than I do.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 26, day of July, 1905.

Edwd Suesel
Notary Public.

No. 690.

[redacted]
COMMISSIONER TO THE FIVE [redacted] TRIBES.
Sapulpa, I. T., July 31, 1906.

In the matter of the application for the enrollment of John Morrison as a citizen by blood of the Creek Nation.

D. K. BUFFINGTON, being duly sworn, testified as follows:

BY COMMISSIONER:

Q What is your name? A D. K. Buffington.
Q How old are you? A Thirty.
Q What is your post office address? A Sapulpa.
Q What is your business? A Undertaker.
Q Have your books any record of a coffin sold for John Morrison? A Yes, sir. (making examination of books)
Q Read what your books state about that sale? A (Witness presents a ledger on page 56 of which the following entry is found:

"By Will Andersen 1898 John Morrisson
Feb. 22 One Coffin No. 1, 6Ft. $15.00
Feb. 22 Cr. by cash 10.00
Apr. 1, Cr. by cash 5.00")

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 31 day of July, 1906.

J. McDermett
Notary Public.

Ex.836

Muskogee, Indian Territory, January 15, 1906.

Sallie Morrison,

Fry, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, John Morrison, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Ag)36

No.830.

Muskogee, Indian Territory, January 13, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of John Morrison, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-37

No.830.

Muskogee, Indian Territory, January 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of John Morrison deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1906.

Respectfully,

Commissioner.

Through the

Commissioner of Indian Affairs.

AG-38

[illegible]

[illegible]

[illegible]

D E C I S I O N.

The record [illegible] case shows that [illegible] Sallie Morrison [illegible] before the [illegible] Civilized Tribes [illegible] application for the enrollment of her minor child, [illegible], deceased, as a citizen by blood of the Creek Nation.

Further proceedings were had July 10, and July 11, 1905.

The evidence shows that said John Morrison, deceased, died prior to April 1, 1899.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said John Morrison, deceased, as a citizen by blood of the Creek Nation, and the application for his enrollment as such is accordingly denied.

[illegible] Commissioner.

Muskogee, Indian Territory.

JAN 12 1906

[illegible] 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

January 15, 1906, you transmitted the record in the matter of the application for the enrollment of John Morrison, deceased, as a citizen by blood of the Creek Nation.

Reporting February 12, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of its letter is inclosed.

The record shows that the said John Morrison died prior to April 1, 1899.

The Department concurs in the recommendation of the Indian Office, and your decision dated January 12, 1906, is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND;
5484-1906.

530

February 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 15, 1906, transmitting the record of the application filed July 8, 1904, for enrollment as a citizen by blood of the Creek Nation of John Morrison, deceased.

January 12, 1906, the Commissioner decided adversely to the application.

The record shows that John Morrision died prior to April 1, 1899.

In view of the record and of the Act of March 1, 1901 (31. Stats., 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

1001

C

En. 520.

Muskogee, Indian Territory, March 1, 1906.

Sallie Morrison,

Fry, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, on February 20, 1906, affirmed the decision of the commissioner to the Five Civilized Tribes denying the application for the enrollment of John Morrison, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

Mr. L. Matt,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, on February 20, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of John Morrison, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

[redacted]

In the matter of the application for the enrollment of [redacted] Annie, Willie and Florence Turner, and Maude [redacted] minors.

APPEARANCES: M.L.Merrick, attorney for applicants.
M.L.Mott, attorney for Creek Nation.

Lucy Ann Turner being duly sworn, testified as follows:

Q What is your name? A Lucy Ann Turner.
Q How old are you? A Thirty five.
Q What is your post office address? A Wagoner.
Q In what year were you born? A 1861.
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.
Q Have you some children for whom you wish to apply? A Yes sir, five.
Q What is the name of the oldest? A Dixie Griswell.
Q How old is she? A Seventeen.
Q What is the name of the next? A Anna.
Q How old is Anna? A Sixteen.
Q What is the name of the next? A Willie.
Q How old is he? A Fourteen.
Q Next? A Maude[illegible] AX
Q How old is she? A 10.
Q Next? A Florence.
Q How old is she? A 7.
Q That's all, is it? A Yes sir.
Q Are these children all alive and living with you ? A No sir, they are not all living with me- there's four there with me been going to school at Memphis.
Q Which four are in Memphis? A Dixey, Maude, Willie and Florence.
Q Which one is with you? A This one here; the oldest.
Q The others are all in Memphis? A Yes sir.
Q Is Dixey married? A No sir; not none of them married.
Q What was the name of Dixey's father? A Albert Griswell.
Q Is he living or dead? A No sir; he is dead.
Q Do you make any claim that he was a citizen of the Creek Nation? A No sir.
Q State man, was he? A Yes sir.
Q What is the name of the father of these other children? A Will Turner.
Q Is he living? A Yes sir; he is here.
Q Where does he live? A In Wagoner with me.
Q Doeyou make any c aim that he is a citizen of the Creek Nation? A No sir.
Q He is a state man, is he? A Yes sir.
Q How long have you and your husband lived in the Creek Nation? A Well, we were first there and then away; I married this husband in Arkansas and the first husband I married in Kansas; he was a railroad man.
Q How long have you and your husband been living in the Creek Nation this time? A We come back to Wgoner and only was there this time nine months.
Q Where did you live before that? A Arkansas.
Q How long did you live that time in Arkansas? A Two years in Pine Bluff; and two, three or four years in Helena.
Q You say you have been living this time in the Creek Nation about nine months? A Yes sir.

[illegible] had you been out of [illegible] back here
[illegible] ago? A I [illegible]
[illegible] back nine months ago? A Yes sir.
[illegible] any property, [illegible], in the Creek Nation? A No
[illegible] you keeping house? A Yes sir.
[illegible] have you been keeping house in the Creek Nation? Ever since you
have been here this nine months? A Yes sir.
[illegible] you ever draw any money from the Creek Nation? A No sir.
[illegible] you ever been enrolled as a citizen of the Creek Nation, or your children? A No sir.
Q Did you ever make application to any authority to be admitted to citizenship in the Creek Nation? A No sir, I never have.
Q To what town in the Creek Nation do you claim to belong? A To Wagoner.
(Statement by Mr. Merrick: I am satisfied that she is not on any of the rolls;all that we claim is that she is a descendant of a Dunn Roll.)
Q What is the name of your father? A Paschal Battle.
Q Is he living or dead? A He is dead.
Q Do you claim that he was a citizen of the Creek Nation? A No sir, he wasn't.
Q He was a state man, was he? A Yes sir; railroad man.
Q What was the name of your mother? A Mary Ann Grayson.
Q Is she living or dead? A Dead.
Q How long has she been dead? A I can't tell; I went away; when I came back I heard she was dead.
Q When was that? A In 1887.
Q And they told you then she was dead? A Yes sir.
Q Did your mother have any children older than you? A Yes sir.
Q What were their names? A Bob and Dollie and Fannie I think is older than I am.
Q Did she have any other children? A Yes she had some children I didn't know.
Q Older than you? A I don't know sir; she may have some older I don(t know; but she had some younger I didn't know; my father took me away from there when I was small; I don't remember the children.

Examination by Mr. Merrick:

Q Where were you born? A Between the Verdigris and Arkansas.
Q In the Creek Nation? A Yes sir.
Q You say your father took you out of the Creek Nation? A Yes sir.
Q How old was you when he took you away? A My mother says I was between 4 and 5 years old.
Q Do you remember when it was? A Yes, I sort of remember when he carried me away.
Q From the time you was taken away until you came back nine months ago had you been back and forth in the Creek Nation? A Yes sir, I had been back several times.
Q Did your mother, Mary Ann Grayson have any brothers and sisters that you know of? A Yes sir.
Q Name some of the brothers? A Dock and Dick Grayson; Joe Hutton.
Q Did she have any sisters? A Yes had two sisters I know; I have heard their names called.
Q What were their names? A Puss Grayson or Barnett; her right name is Nancy Barnett; and Betsy and one died- I don't remember her; I don't know these others only what my mother told me.
Q Did you ever know your mother after your father took you out of the Creek Nation? A Yes sir, I knowed her; I come back and seed her.

Mary Ann Grayson? A Yes sir.
You claim that your mother was a Creek Freedman? A Yes sir.
Blood of a Creek Indian? A Yes sir, that's what they always told me.
Of what Grayson? A Yes sir.
Have you any brothers or sisters? A Josh and Mitchell Grayson and Bob and Tom Grayson and Palmer.
What were the names of your sisters that you knew? A Dolly, Lizzie, and Jennie is all I know.

Nancy Barnett being called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A Nancy Barnett.
Q How old are you? A I don't know how old I am.
Q About 60? A I guess so.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes sir, born and raised here.
Q What is the name of your father? A Jim Grayson.
Q Sometimes called Jim Quahner? A No sir, Jim Quahner is my nephew; my father's Jim.
Q Who was Mary Quahner? A All them is my sister's children, but her mother died; her mother's name was Manty.
Q What was the name of your mother? A Mary Ann Grayson.
Q Did you have a sister named Mary Ann Grayson? A Yes sir; its her mother.
Q And your mother was named Mary Ann Grayson? A Yes sir.
Q Give me the names of your mother's children besides yourself?
A Betsey Barney and Annie Barnett and Rose Grayson, she's dead; that's about all; my mother didn't have but four children by my father.
Q Well, did she have any boys? A No sir, no boys at all. All girls.
Q Did she have any boys by any other man? A No sir, not as I know of; when I come to my recollection she didn't have no boys but all girls, and they was all sold out of the Nation and just left my sister Betsy and me.
Q Was your mother taken out of the nation during the war? A No sir, my mother died in Gibson; never was taken out as I know of.
Q Was your sister, Mary Ann Grayson, taken out? A No sir, I don't think she did, but it might be for I wasn't living with her; I was on the Arkansas and she on Elk Creek.
Q Do you know the names of all of her children? A No sir, she had so many.
Q Did you know the names of any of them? A I just knew Jennie and Josh and Mitchell that this woman just called; she had so many, I aint acquainted with all of them; we was living together.
Q Do you know whether her children were taken out of the nation during the war? A No sir, I don't know anything about that.
Q How long have you know Lucy Ann Turner? A I just got acquainted with them the other day and she told me she was Mary Ann's daughter.

[illegible] don't know whether Mrs. [illegible] Grayson [illegible] I [illegible] know Mrs; but she visited [illegible] [illegible] by father; that's about [illegible]

John J. Moore being called and sworn testified as follows:

Examination by the Commission:

Q What is your name? A John J. Moore.
Q How old are you? A Fifty four.
Q What is your post office address? A Turner I.T.
Q Do you live in the Creek Nation? A Yes sir.
Q How long have you lived here? A Some thirty years.
Q Lived here all the time? A Yes sir, most of the time.
Q Where did you live during the war? A Partly Cherokee and Creek Nation and partly in Kansas; I left here in '63.
Q When did you come back? A In '66.
Q How long did you stay? A Until '73.
Q Do you know Lucy Ann Turner? A Yes sir.
Q How long have you known her? A Since about '71 or '72.
Q Where did you know her? A Here in the Creek Nation.
Q Lucy Ann Turner? A Yes sir.
Q Did you know her all the time? A No; when she was small.
Q Did you know who her father was? A Yes; his name was Battle.
Q When did you know him? A In '71.
Q Where? A Here in the Creek Nation.
Q How long did you know him here? A From '71 and '72 and then I left here in 1873 and he went out from here in '74 I think.
Q Did you ever know him after that? A I seen him once after that in Missouri.
Q Did you know Lucy Ann Turner's mother? A Yes sir.
Q What was her name? A Mary Ann Grayson.
Q Did she have any other children? A She had other children but I wasn't acquainted.
Q Did she have any boys? A Not by this man that I know of.
Q Was Mary Ann Grayson taken out of the Creek Nation during the war?
A Not as I know of.
Q Did you know her after the war? A Yes sir.
Q When did you first see her after the war? A I seen her at Old Agency at a meeting we had there.
Q About when? A Along about '84.
Q Is that the first time you saw her after the war? A No; I saw her in '72.
Q Was that the first time you saw her after the war? A Yes sir.
Q Did they live near you at that time? A No; at that time I wasn't particularly located anywhere; I was preaching.

The Dunn Roll examined and Mary Ann Grayson identified thereon at #809; Joshua Grayson appears on the same roll at #210, these being all the members of that family.

Laws of the Muskogee Nation compiled by A.P.McKellop, 1893, examined and at page 103 it appears that Josh Grayson, Mitchell Grayson, Rhoda

Grayson, Dick Grayson and Dolly Grayson were admitted to citizenship in the Creek Nation in 1867.

Examination by Mr. Merrick:

Q Was Mary Ann Grayson a slave? A Yes sir.
Q To whom did she belong? A Watt Grayson.
Q Do you know whether or not her name was placed on the Dunn Roll? A Don't know.
Q Are you positive that the applicant here, Lucy Ann Turner, is a daughter of Mary Ann Grayson? A Yes sir, I am positive of that.
Q Are you acquainted with any of the brothers and sisters of Mary Ann Grayson? A Well, no; not particularly; I was acquainted with a good many of the Graysons.
Q Well, were you acquainted with any of the brothers and sisters of Mary Ann Grayson, the mother of this applicant? A No, I don't know as I can remember them.
Q Do you know that Lucy Ann Turner was taken out of the Creek Nation?
A Yes sir, I know that.
Q Who took her out? A Her father.
Q How old was she? A She was between four and five years old, I think.
Q Do you know what year that was? A If I am not mistaken it must have been in '71 or '72.
Q You are positive that she is the daughter of Mary Ann Grayson, are you?
A Yes sir.

Examination by Mr. Mott:

Q Was her mother living when her father took her out of the Nation? A Yes sir.
Q Was there a separation between the father and mother? A I presume there were.
Q Do you know anything about it? A No sir; I know he went to Kansas with the girls.
Q Take any besides her? A Took all the girls, all the children.
Q Took them all? A All that he claimed to be his.
Q How many? A I think there was three of them.
Q What's the other two's names? A I disremember the names; I know he told me coming from church that he was going to take his children to Kansas but what for I don't know.
Q But he took all his children? A Yes sir.
Q That you say was about 1872? A Yes, '72 or '73.
Q Was he a Creek citizen? A No sir.
Q Didn't claim to be? A No sir.
Q But his wife was? A Yes sir.
Q Was she by blood or freedman? A I don't know whether it was by blood she was owned by this man Grayson.
Q Was she a slave? A Yes sir.
Q Did you ever see him back here any more after that? A Yes sir, I met him once in Carthage Missouri.
Q Ever see him back here? A No sir.

[illegible] Barnett recalled:

Examination by Mr. Merrick:

Mary Ann Grayson is your sister? A Yes sir; that is what we [illegible]
Do you know Josh Grayson? A Yes sir; he got killed.
What relation was Josh Grayson to Mary Ann Grayson? A Her son.
Do you now Dick Grayson? A Yes sir; that is my half brother.
What relation was he to Mary Ann Grayson? A Brother.
Well, did you know Josh Grayson? A Yes sir.
What relation was he to Mary Ann? A Her son.
Is there more than one Josh Grayson that you know of? A Well, there is a good many Josh but I don't know what they go by, but I know Josh Grayson was Mary Ann's son.
How Bennie Grayson-- what relation is she to Mary Ann Grayson? A Her daughter.
And Dolly Grayson also? A Yes sir--she claimed them girls as her sister and all I claim is her mother was my sister. I don't know any further.
Now, Mary Ann Grayson, the applicant's mother, was a sister of yours, was she? A Yes sir.
And she was a slave of whom? A Watt Grayson.
Is your name on the Dunn Roll? A Yes sir.
Was your sister placed on the Dunn roll? A I don't know whether her name is there but my name is there; the reason I said that, when I come to see if my name was there.

By the Commission:

The records of the Commission show that the witness is listed for enrollment on Creek Freedman card Field No. 874, approved roll No. 2178, and that her name appears on the Dunn Roll at No. 449.

Examination by Mr. Merrick:

Whom did you belong to? A Mary Tiger.
Was your sister here during the war? And shortly after the war; Mary Ann Grayson? A I die-remember, Mr. I can't tell you anything that slipped my memory.
Do you know the time that you was enrolled on the Dunn roll? A I know the time but can't state what time it was.
You remember the incident, do you? A Yes sir.
Well, at that time, was your sister, Mary Ann Grayson, in the Creek Nation? A Yes sir; she was on Elk Creek and, I was on Arkansas.
You was lying a few miles apart? A Yes sir good many miles apart.
But she was in the Creek Nation at that time? A Yes sir.
She never was taken out of the Creek Nation? A Not as I know of; we was too far apart. Our owners you know scattered us about like cattle; so I don't know whether she was out or in the Nation; I am telling just as far as my knowledge leads me.
What Indian town do you belong to? A Coweta.
Do you belong to Coweta or Arkansas? A (No answer).

By the Commission:

You belonged to Arkansas, did you? A Yes sir.

[illegible]

[illegible]

Q [illegible] A [illegible]

Q [illegible] belong to the Arkansas roll? A Yes sir.

By Mr. Mott:

Q Where was your sister, the mother of the applicant over there, living when you were put on the Dunn Roll? A At [illegible] Creek.
Q Do you remember when you were put on the roll? A My husband put my name on the Dunn Roll somewhere; my name was on the Dunn roll, though.
Q Where was your sister living then? A On Elk Creek.
Q How far is that from where you were living? A I was living across the Arkansas river and she was down on Elk Creek; I don't know how far it [illegible]
Q How many children did your sister have? A I can't tell you that. She had so many I can't tell you.
Q Was she married once or twice? A The last husband she had I know but the first one I don't know.
Q Was she separated from her first husband? A I guess so, but I know the last husband; the first one I don't know.
Q Which one was it lived here? A I don't know this girl's father's [illegible]
Q Which one was it that took her out of the Nation, the first one or the last one? A I don't know; I don't know this lady's father but the last husband that my sister had, Mary Ann, is named Jacob.
Q Did you hear the last witness say that the father of Mary here took her and all of his children and went out of the Nation with them? A That's what I heard but I don't know anything about that.
Q Was that her first husband or last one? A I guess that's her first husband but I don't know him.
Q Did she have more than three children, your sister? A Lord 'O Mercy, she didn't stop at three! Had a good many children but I don't know all of them.
Q The reason I asked is because she said one husband took all of them and that was three. A Well, he was the oldest one; he is older than me.
(TO John J. Moore:) Q Was that her first husband or last one? A I presume it was the first husband as far as I know.
Q Didn't you see him after that? A Yes sir, he was gone then.
Q Well, did she have some children after that? A She had some children but she was married to another man.
Q How many did she have? A I don't know.
Q Are you certain that she had children younger than the three that this man took away? A No, I am not certain of that.
Q You are not certian that the mother of that girl had children younger than the three that her husband took and went out of the nation with them? A No sir.

Applicant recalled:

By the Commission:

Q Did your father take some others of his children out when he took you?

Henry G. Adams

scribed and sworn to before me this 19th day of July, 1904.

Notary Public.

[redacted]

BY [redacted]

Q What is your name? A Lucy Ann Turner
Q What is your postoffice address? A Wagoner.
Q How old are you? A I am 37 years; in April I was.
Q In what year were you born? A 1868
Q In April of 1868? A Yes sir.
Q How do you know that you are that you were born in 1868?
A Well, my father told me that was the year that I was born in.
Q Is he alive? A No sir
Q When did he tell you that? A Always told me that; about five years ago.
Q What was his name? A Jack Battle
Q Was he a citizen of the Creek Nation? A No sir.
Q He was a state man was he? A Yes sir.
Q When you were here before in July 6gf 1904, you were asked how old are yo and you said 35; you were asked in what you were born and you said in 61 A I made a bad mistake about that.
Q If you were born in '61 you would be about 44 years old now; which of these statements is correct? A That's a mistake. I will say that.
Q You think you are just 37 years old now? A Yes sir from what my father and half brother told me; just what they told me; I don't know myself.
Q Do you know anybody that knows just when you were born? A No sir. I don't know anybody that knows, that exactly; I know one old man- old man Moore said he knew; he knew my mother and when I was born he said; he give in his testimony.
Q Do you remember the war? A No sir. Don't know anything about the war.
Q Was your mother a slave? A Yes sir. I think she was; I know she was.
Q Were you born during slave times or afterwards? A I was born after the slaves.

Henry G. Hains being sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 16th day of June, 1905.

Edward Irving

Notary Public.

WAGONER, Ind. Ter, 1/6-06.

the commission to the fivecivilised tribe

of Muskogee Ind. Ter.

Mr.Bixby Sir I was in your ofice some time ago to see something about geting my age straiten out & I told you have my age was & you also told me that you would write to me & let me know just as soon as you got it straiten out so I have Been waiting for and answer from you in the regards of the matter & I would like to know about it if you Please sir you ask me about my age & I give you the correctness of my age which was at the time I made the application for Enroldment I was Born in year 1869, which made my age 36 years & that is what I give in to the commission & I cant see how they could get it any other way & it ought to show on the reccord just the same way I give it in to them & also my children too & I being 36 years old that made me 19 years older than my oldest child which is Dixie & there is no confict in that Part so I dont think that my age could be no other way on the record fairly But 36 years of age Born 1869 made me at that time 36 so my age cant Be any other way as I know of so I would like to hear from you in the regards of the matter if you Pleas & oblige.

yours Respectfully

(signed) LUCY ANN TURNER.
P O Box no 64

Aug. 18- 1906.

Ala 531

May 5, 1906.

POWER OF ATTORNEY.

To The Hon. Tams Bixby,

Commissioner to the Five Civilized Tribes,

and J. B. Campbell Muskogee, Ind. T.

I hereby appoint W. D. Malfhill as my agents to look after and attend to my business in your office relative to my enrollment and the enrollment of my five children, and I hereby revoke the former "Power of Attorney" made to E. C. Merritt, and hereby appoint

J. B. Campbell

W. D. Malfhill as my sole and only agents

Lyman Tarbox

Witness:

Murray C. Dale

Copies July 8 - 1906

July 16 - 1906

[redacted] OF THE SECRETARY
[redacted] TO THE FIVE CIVILIZED TRIBES.

In the matter of the [redacted] of
[redacted]
Turner, and Dixie Criswell, as freedmen citizens
of the Creek Nation.

Motion to reopen.

Comes now M. L. Mott, attorney for the Creek Nation, and moves the Honorable Secretary of the Interior to reopen and grant a rehearing in the matter of the enrollment of Lucy Ann, Anna, Willie, and Florence Turner, and Dixie Criswell, who have been enrolled as freedmen citizens of the Creek Nation, for the reason, that your petitioner has just this today learned that persons procured their enrollment through fraud.

Your petitioner was today informed by Mr. E.L.Merrick, who was the original attorney for said applicants, that while acting as their attorney said Merrick discovered that they were not entitled to enrollment and that they were perpetrating a fraud upon the Commission to the Five Civilized Tribes, and said Merrick withdrew from said case, and so notified the Commissioner to the Five Civilized tribes.

Your petitioner further states that owing to the limited time in which he has to make this application, he is not able to file affidavits in support of this motion, but he is confident that if a rehearing is granted, he will be able to show that said persons are not entitled toenrollment.

Your petitioner further states that said Merrick informed saidapplicants when he withdrew from their case, that they were not entitled to enrollment, and he is informed that they have abandoned the case and returned to Texas.

Subscribed and sworn to before me this 26th day of June 1906

Notary Public

Lucy Ann Turner, et al

Motion to reopen

Affidavit of Elec Mendx

Aug 8, 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory.

Wu 551

In the matter of the enrollment of Lucy Ann, Anna, Willie and Florence Turner and Dixie Criswell, as Freedmen citizens of the Creek Nation.

Motion to reopen.

Edward Merrick, on oath states that he is forty five years of age, a resident of Muskogee, Indian Territory and at present is in the employ of the Commissioner to the Five Civilized Tribes in the capacity of law clerk; that in the summer of 1904 he was associated with John O. Lieber, an attorney at law, in the general practice of law; that he and said John O. Lieber were duly admitted to practice before the Commission to the Five Civilized Tribes; that some time during the summer of 1904, one William M. Turner, husband of Lucy Ann Turner, the principal applicant herein, employed said Lieber and affiant to look after the matter of the enrollment of the applicants herein and that affiant did on July 8, 1904, appear before the Commission with said Lucy Ann Turner and two or three witnesses produced by her and at that time certain testimony was offered on behalf of the applicants.

Affiant further states that after the hearing had on July 8, 1904, a consultation was held in the office of said Lieber and affiant at which consultation said Lucy Ann Turner and her husband, William M. Turner, were present; that at this time the Turners were advised that in view of the fact that

said Lucy Ann Turner was born prior to the making of the Dunn roll and her name not appearing thereon her chances for enrollment were very slight even if she could establish the fact that she was the daughter of one Mary Ann Grayson whose name does appear on said Dunn roll; that said Lucy Ann Turner then said that she probably was not that old; that she had a brother Mitchell Grayson and a sister Dolly Stidham who would know and that she would have them consult us.

Affiant further states that afterwards said Mitchell Grayson did appear at the office of said Lieber and affiant and said positively that he had no such sister as Lucy Ann Turner and that he never heard of her before. Said Mitchell Grayson was so positive in his statements that some doubt arose in the mind of affiant whether the said Lucy Ann Turner was the person she represented herself to be. Mitchell Grayson further stated that he lived with his mother for many years and he knew she never had a child that would answer for said Lucy Ann Turner.

Affiant further states that two or three days after said Mitchell Grayson's visit to the office of said Lieber and affiant he (Mitchell Grayson) called again and said that probably he was mistaken about not having a sister about the age of Lucy Ann Turner; that he could not say he did not have such a sister and that probably he did have one whom he never saw and who had been out of the Territory all her life. Affiant further states that after this interview with said Mitchell Grayson he (affiant) had a talk with William Turner, the husband of Lucy Ann Turner, at which time said Turner told affiant that said Mitchell Grayson would now testify all right as he had "fixed it up with him"; that Turner further stated that he could get all such testimony as might be required in order

to have his wife and her children enrolled as Creek freedmen. Said Turner was informed by affiant that no "fixed" testimony would be allowed by the attorneys of applicant.

Affiant further states that he wrote to Dolly Stidham, the alleged sister of said Lucy Ann Turner, and received a reply in which she stated that she had no such sister as Lucy Ann Turner and that she knew her mother had no such child.

Affiant further states that upon receipt of this letter from Dolly Stidham denying relationship with principal applicant and in view of the statements made by Mitchell Grayson and the ability of said William M. Turner to produce any and all necessary evidence, he and Mr. Lieber concluded that the case was a fraudulent one and that further connection with the same was entirely out of the question and that they so informed William M. Turner who replied that the case had better be dropped; that affiant called at the office of the Commission and informed the clerk in charge of the Creek enrollment division that his (affiant) and Mr. Lieber's connection with the Turner case had ceased and asked that the application for the enrollment of these people be withdrawn for the reason that we believed it to be fraudulent and without any merit whatever.

Affiant further states that he believed that this application had been withdrawn and knew no better until very recently.

Edward Merrick

Subscribed and sworn to before me
this 8 day of August 1904.

Notary Public.

B5650

Cr.Enr.831

Muskogee, Indian Territory, August 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 12, 1906, decision was rendered by the Commissioner to the Five Civilized Tribes granting the application for the enrollment of Lucy Ann Turner and her five minor children, Maude Turner, Anna Turner, Willie Turner, Florence Turner and Dixey Criswell, as Creek freedmen.

The records of this office show that the names of said applicants are listed upon a partial schedule of Creek freedmen approved by the Secretary of the Interior June 16, 1906, opposite roll numbers 5650, 5651, 5652, 5653, 5654 and 5655, respectively. It does not appear from said records that allotment selections of land in the Creek Nation have been made by or for any of said applicants.

There is inclosed herewith for Departmental con-

sideration motion to reopen said cause filed with this office June 25, 1906. There is also inclosed an affidavit filed August 8, 1906 in support of said motion.

The statements set forth in said motion as grounds for rehearing are in substance as follows:that William M. Turner, husband of the principal applicant, retained the law firm of Merrick & Lieber to look after the matter of the enrollment of said applicants; that after the original hearing in said cause had on July 6, 1904, a consultation was held in the office of said attorneys at which time said Lucy Ann Turner and her husband were present and were advised that in view of the fact that said Lucy Ann Turner was born prior to the making of the Dunn roll and her name not appearing thereon, her chances for enrollment were very slight even if she could establish the fact that she was the daughter of one whose name appears on said roll; that said Lucy Ann Turner then said that she probably was not that old, that she had a brother Mitchell Grayson and a sister Dolly Stidham who would know and she would have them consult said attorneys; that afterwards said Mitchell Grayson appeared at the office of said attorneys and said positively that he had no such sister as Lucy Ann Turner and that he never heard of her before, that he lived with his mother for many years and knew she never had a child that would answer

for said Lucy Ann Turner; that at a later date said Mitchell Grayson stated to said attorneys that he was probably mistaken about not having a sister about the age of Lucy Ann Turner, that probably he did have one whom he never saw and who had been out of the territory all her life; that said affiant later had a talk with said William M. Turner, at which time Turner stated that Mitchell Grayson would now testify all right as he had "fixed it up with him"; that said affiant wrote Dolly Stidham, the alleged sister of said Lucy Ann Turner, and received a reply in which she said she had no such sister as Lucy Ann Turner and that she knew her mother had no such child; that said affiant and his law partner, Mr. Lieber, upon receipt of said letter from Dolly Stidham and in view of the statements of Mitchell Grayson and William M. Turner, concluded that the case was a fraudulent one, that they so informed William M. Turner who replied that he guessed it had better be dropped; that said affiant informed the clerk who was at that time in charge of the Creek enrollment division of the Commission that the connection of his firm with the Turner case had ceased and asked that the application be withdrawn for the reason that it was considered by said attorneys to be fraudulent and without merit.

There is no record on file to show that said attorneys

-4-

informed this office that they had withdrawn from the case as that they considered it fraudulent. The decision of the Commissioner enrolling said applicants was based upon the evidence.

Lucy Ann Turner testified on July 8, 1904, that she was born in the year 1861 and in later proceedings had on June 16, 1905, said applicant testified that she was born in the year 1860.

I am of the opinion that the contradiction in the testimony as to the date of birth of the principal applicant, when considered in connection with the statements set out in said motion, are sufficient to warrant a presumption of fraud and I respectfully recommend that said motion to reopen be granted in order that the testimony of Mitchell Grayson and Polly Stidham, the alleged brother and sister of the principal applicant, may be secured, also such other evidence as may be necessary to establish the facts in the case.

The entire record in the matter is inclosed herewith.

Respectfully,

Through the
Commissioner of Indian Affairs. Commissioner.

AG-2

Cr. En. 531

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY
October 22, 1906.

Cr. En. 531,

In the matter of the right to enrollment of Lucy Ann, Maude, Anna, Willie and Florence Turner and Dixey Grisewell as Creek Freedmen.

APPEARANCES: J. G. Lieber acting for M. L. Mott, attorney for Creek Nation.

The office of J. B. Campbell and the office of W. D. Halphill were communicated with and the said attorneys could not be found. J. G. Lieber called at the office of W. D. Halphill and was informed that he was sick.

Mitchell Grayson being first duly sworn, testified as follows:

Questions by Commissioner:

Q: What is your name? A: Mitchell Grayson.
Q: How old are you Mitchell? A: I am 53.
Q: What is your post-office address? A: Summit.
Q: Are you a citizen of the Creek Nation? A: Yes sir, I am.
Q: You have received your allotment have you? A: Yes sir.
Q: You are a Creek Freedman? A: Yes sir.
Q: What was the name of your mother? A: Mary Ann Grayson.
Q: Is she living? A: No sir, she is dead.
Q: When did she die? A: It is about [illegible] years since she died.
Q: Was your father a citizen of the Creek Nation?
A: Yes sir, my father died though during the war.
Q: How many children did your mother have? A: My mother had Bob and Josh and Sam and Ben and Tom and me, five and three girls.
Q: What was the names of the girls? A: The oldest one was named Tilda. The next was Dolly Stitum. The next was Fannie Tobler.
Q: Is that all the children your mother ever had? A: Those are the onliest children mother ever had.
Q: Did you live with your mother or near her most of your life?
A: I lived right with her all the time until she got so she couldn't get around, and after I got married she lived with me. I am the youngest child.
Q: How many times was your mother married did you say?
A: Never was married but twice. She was married back in the old country they came from Alabama here, and after she came here she married my father.
Q: What children had she by her husband in Alabama?
A: Tilda and Sam.

Q: Did she bring them with her here? A: Yes sir.
Q: Is that all the children she brought with her?
A: These are the oldest two she had.
Q: Do you know the name of her first husband?
A: Millibee Charles.
Q: When she came to this country she married another man?
A: Yes sir.
Q: What was the name of her second husband? A: Jacob Bruner.
Q: Was he a citizen of the Creek Nation? A: Yes sir.
Q: Did he ever separate from your mother? A: Never did until he died. He died during the war.
Q: How long before your mother's death did he die? A: He died in 61. If I am not mistaken he died over here near Gibson and mother stayed single and stayed with her child until we were all grown.
Q: How old was she when she died? A: Napoleon Moore said she was 103 years old when she died.
Q: Then she died about 9 years ago? A: Yes sir.
Q: Are there any old people living in the same community in which your mother lived and who knew her most of her life and as to how many children she had?
A: Yes, I can get a whole lot of them, Indians and colored.
Q: Would you na e one or two of these people? A: There is old man Wash Grayson at Eufaula, Captain Grayson and these two men in this room here.
Q: What are their names? A: John Roberts and Dick Bruner.
Q: How many of these children are left of these 5 boys and 3 girls? A: I am the oldest one, I and Dolly Stitum.
Q: Is Dolly here today? A: I don't know whether she is or not.
Q: Did your mother ever live with any other men after the death of your father? A: No sir, never did.
Q: You are sure she had no children except the ones you have named? A: Yes sir, I am sure.
Q: When did your mother reach the territory? A: I couldn't tell you that.
Q: Was it before or after the war? A: Way before the war.
Q: Did your mother die before the opening of the Creek Land office? A: Yes sir.
Q: How long before? A: About a year.

Questions by John G. Lieber, acting for Creek Nation.

Q: Mitchell did your mother have any brothers or sisters?
A: Yes, she had a whole lot of brothers and sisters.
Q: Can you give their names? A: Yes, I guess I can. There is old man Robbin Grayson, Ben Grayson, Joe Hutton, Dee Crabtree, Dick Grayson.
Q: Is that all? A: That is all the brothers.
Q: Did your mother have any sisters?
A: Yes sir.
Q: Name them? A: There was Fussy Barnett across the river. Bessie Burney, Jennie Alexander, that is all I know. Of course she had more but they died before they came to my recollection.
Q: Do you know a woman by the name of Lucy Ann Turner?
A: No sir.

I seen the nigger some but I don't know her.
Q: Did you ever know of a woman in your family by the name of Lucy Ann? A: No sir.

Questions by Commissioner:

Q: Did anyone by the name of Lucy Ann Turner ever write to you or ever come to you and talk with you? A: She wrote to me and went to Dolly and Dolly gave her a cussing and she went off and we never have seen her.
Q: Dolly who? A: Stitum.
Q: Have you that letter? A: I threw it away.
Q: What did she say in that letter? A: She said she was a sister of ours, I said I didn't know anything about it, she said she was 86 years old and I knew that was a lie because I have a boy 26 years old and my mother was an old woman when I came to my recollection. I don't know anything about that nigger woman.
Q: Do you think you would have known something about it if your mother had a daughter by the name of Lucy Ann?
A: It looks like I ought to, I was raised right with her and I knew her and know I am the youngest one of the children.
Q: Did you answer that letter that you got from Lucy Ann Turner
A: No sir.
Q: You never saw her to talk with her did you? A: I saw her and talked with her and told her I didn't know anything about her and that she was nothing but a state woman. I said mother only had three girls and I knew them all.
Q: What did she say to you when you had that talk with her?
A: She said she was a sister of mine and I said no, you make a mistake , it might have been somebody else, and she said no somebody told her that her mother's name was Mary Ann Grayson,and I know that mother never did have a child like you, I told her.
I said who was your father? And she said I forget his name And I said well my father took me in to Arkansas and I stayed there all the time, and I said to her, I don't know anything about you and Dolly is the eldest and if she says that you are mother's child it is all right with me and Dolly gave her a cussing and said she would put her in jail if she came back there again and I never did see her since.
Q: Is your sister Dolly Stitum here today? A: I don't know whether she was subpoened here but I guess she will be here sometime today.
Q: Do you remember of meeting the husband of Lucy Ann Turner, a man named William M. Turner? A: He was at my house.
Q: Did you come to Muskogee with him? A: Yes, I came with him.
Q: Did he take you up in a law office? A: I went with him to some of these law offices and I told them lawyers I didnt know nothing about this woman, she was too young to be my mother's child, I said I was the youngest one of the bunch and she never was married after my father died and I can prove that.
Q: Where did you have that talk with Lucy A. Turner, here in Muskogee or did she come to your house? A: No she never was at my house.
Q: You saw her here in Muskogee, did you?

A: [illegible]

Q: [illegible]

Q: You would probably know as much about your parents and your mother's children as Dolly would, wouldn't you? A: It looks like I ought to. I know mother never did marry after father died.

Peter Bruner, being first duly sworn, testified as follows:

Questions by J.G.Lieber, acting for Creek Nation.

Q: What is your name? A: Peter Bruner.
Q: How old are you? A: About 75 years old this month.
Q: What is your post-office address? A: Bona, Indian Territory.
Q: Do you know Mitchell Grayson who has just left the witness stand? A: Yes sir.
Q: How long have you know him? A: I have known him from a child on up.
Q: Ever since he was born? A: Yes sir.
Q: Do you know his mother? A: Yes sir.
Q: What was her name? A: Mary Ann Grayson. They called her Mary Ann Bruner and changed around to Mary Ann Grayson. Called her Mary Ann Grayson and Mary Ann Bruner.
Q: Is she related to you? A: She was my step-mother.
Q: Are you a citizen of the Creek nation? A: Yes sir.
Q: Were you well acquainted with the family of Mary Ann Grayson
A: I think I do, I might forget some of them but I know the most of them anyhow.
Q: But did you live with them? A: Yes sir, we moved back on this side and went over the river. First we lived on this side of the Canadian river west of Eufaula and went on the other side of the river then and then came back and went back to where we are living now.
She died up here at Okmulgee.
Q: How often did you see Mary Ann Grayson from the time she was a grown woman until she died? A: She came from the country in 1827.
Q: From that time how often did you see Mary Ann Grayson?
A: Often times, she was my step-mother you know and I lived with them 5 or 6 months.
Q: Did you see her as often as once a year from that time until she died? A: Oh yes.
Q: Give the names of her children as nearly as you can?
A: The first two children she had were my father's children. Tilda and Bull, we call him Bull that was his given name.

Q: [illegible] Mary Ann Grayson's family [illegible]
A: [illegible]
Q: [illegible] by that name would you have known it?
Q: Did you know Mary Ann Grayson until she died? A: Yes sir.

John Roberts being first duly sworn testified as follows:

Questions by John G. Lieber, acting for Creek Nation.

Q: What is your name? A: John Roberts. Some call me John Cat I have two names.
Q: How old are you John? A: I am 62.
Q: What is your post-office address? A: Taft.
Q: Are you a citizen of the Creek Nation. A: Yes sir.
Q: Do you know Mitchell Grayson who testified as a witness in this case a few minutes ago? A: Yes sir.
Q: How long have you known him? A: It has been a good while it must have been about 50 years I reckon, I knew him when he was a kid.
Q: Have you known him ever since he was born? A: Yes sir.
Q: Did you know his mother? A: Yes sir.
Q: What was her name? A: Mary Ann Grayson.
Q: How long have you known Mary Ann Grayson? A: Well I knew her since I came to my senses, that was my uncle's wife.
Q: Did you know her from that time until she died?
A: yes sir.
Q: Did you see her often? A: Yes sir.
Q: Did you live in the same neighborhood with her? A: No, she had moved up there to Okmulgee, but I used to go up there all the time.
Q: How often did you see her John? A: Once a year sometimes twice or three times.
Q: During the year? A: Yes sir.
Q: Are you well acquainted with the family? A: Yes sir.
Q: Do you know her children? A: Yes sir.
Q: Give their names? A: Well there was Tilda and Bull, they was another man's children, and Bob and Dolly and Josh and Ben, one they called Fannie Palmer and Mitchell.
Q: Did you ever hear of Mary Ann Grayson having a child named Lucy Ann? A: No sir not until this morning.
Q: If she had had a child by that name would you have known it?
A: I would have been bound to know it.
Q: What relation are you to Mitchell Grayson? A: Mitchell's father and my father are two brothers. That would make us first cousins.
Q: Did Mary Ann Grayson ever have any children younger than Mitchell? A: No sir, Mitchell was the baby child.

Dolly Stitum being first duly sworn, testified as follows:

Questions by John G. Limber, acting for Creek Nation.

Q: What is your name? A: Dolly Stitum.
Q: How old are you Aunt Dolly? A: I guess I is about 88.
Q: What is your postoffice? A: Okmulgee.
Q: Are you a citizen of the Creek Nation? A: Yes sir.
Q: Do you know Katie Grayson sitting by you?
A: Yes sir, I know him, I raised him, he is my brother.
Q: Did you and William Grayson have the same mother? A: Yes one father and two mother.
Q: What was your mother's name? A: Mary Ann Grayson, my father's name was Jacob Bruner, but we used to go by our own names.
Q: Did your mother have any children older than you Aunt Dolly?
A: Yes sir.
Q: Did your mother have any other children besides you?
A: Yes sir, her first child was Tilda Grayson.
Q: The next one? A: He was named Sam Grayson.
Q: Did he have any other name besides Sam? A: We nicked named him kind a funny, we called him Bull.
Q: What was her next child then? A: Bob was the next. Bob Grayson but he is dead he got killed during the war.
Q: Do you know al l of your mother's children? Give their names besides those you have just named? A: I will go way back--there was Tilda first and Sam we called him Bull he was the second. Bob Grayson, Dolly Stitum, used to have been Dolly Grayson. Joshua Grayson. Ben Grayson, we used to call him, nick name Kiver, it might be down that way I don't know.
Q: Next one? A: Fannie Grayson.
Q: Next One? A: Manuel Grayson.
Q: Next One? A: Mitchell Grayson.
Q: Are there any others Dolly? A: No sir, if I am not mistaken I think she only had 9 children, if I am not making a mistake.
Q: Was there one by the name of Palmer? A: That was Manuel. That was his nick name, Palmer.
Q: Was Mitchell Grayson your mother's youngest child? A: Yes he was the baby.
Q: Did she ever have any children after him? A: No sir never had any children after him.
Q: Do you know a woman by the name of Lucy Ann Turner?
A: No sir.
Q: If she would have had a child by that name would you have known it? A: Yes sir, I would have been bound to know it.
Q: Did you know your mother at the beginning of the Civil war?
A: Yes sir, I lived right by her in the same adjoining yard.
Q: Did you continue to live near to her from that time until she died, Aunt Dolly? A: Yes sir. Of course I parted from mother two years we went down South, we went as far as Baldy in the Choctaw Nation and mother she went to Ft. Gibson, never went any further.
Q: With the exception of that two years that she was away from you during the war, was she ever away from you any considerable time after that? A: No sir, I lived right by my mother and I buried her.

Q: Did you live right by your mother from the time Jesse was declared until she died? A: Yes sir, and I buried my mother.

Q: Never heard of her having a child named Lucy Ann? A: No sir, my mother said we was all the children she ever had.

Questions by Commissioner:

Q: Did you have a conversation with anyone by the name of Lucy Ann Turner? A: Yes sir.

Q: Did she come to your house to talk with you? A: Yes she came at the time she wrote me a letter first, though.

Q: Have you that letter? A: No sir, I haven't got it.

Q: What was said in that letter? A: She just wanted to claim my mother was her mother.

Q: Did you answer the letter? A: No sir, I didn't because I knew mother didn't have any children like that.

Q: After she wrote that letter did she call on you in person?

A: Yes sir.

Q: What did she say to you? A: When she first came up I was at the church, at the Indian church and they hired my daughter to go and call me, so we came up, that was on Sunday and came to my daughter's house in Okmulgee, and I saw her there.

Q: What did she say to you? A: Her husband came up and said that was my sister; that was while I was in the wagon before I got down and I told him if I had any sister outside of me, I didn't know it. I knew where all of my sisters was buried and if I got any other I ought to know it.

Q: Did you tell Lucy Ann Turner that? A: Yes sir. She said it looks like I am your sister because my mother was your mother.

Q: That is what she said? A: Yes sir, and I said to her my mother didn't have only the three girls and I named them. Her first child was named Tilda I told her, and the next one was named Sam and the second was named Bob, and I told her then it was me, and one named Josh and a sister named Fannie, I told them she was dead, and I have a brother named Mitchell and a half brother named Dick Bruner. Then she said like this to me, ain't you got no older brothers than you and I said yes, and he said suppose I claim one of them to be my father and I said that is your business but I will not do it.

Q: Did she use that expression, "suppose I claim one of these brothers to be my father"? A: Yes and she paid me $2.00 to come down here and I didn't come because I didn't suppose to come before the Dawes Commission and swear any lie, I am going to tell the truth and if it will do good it will do good and if it is going to hurt it will hurt, and I told them I would come and I didn't do it. And he sent a man out there, he got into a scrap about taking somebody's mule and got some money on it, and she sent that man to get me to come down and said if I could fix it up to come and say she was my brother's child she would give me a $100. And I said I have got $2500 cash money in my pocket and in my hand, that I wasn't poor and I turned the money back.

Q: Was it a colored man that came for you? A: Yes sir. I said I will state what I know to the Dawes Commission and he said if I take you in today you will ruin us, and now you know the truth.

Q: Have you seen the man since he offered you the money?

A: No sir.

Q: Do you know whether he lived in Muskogee? A: No sir he lived in Okmulgee. Her husband was in Jail but he sent this man out to see if he could get me.

Q: [illegible] A: No sir, I never seen her since Q: Have you heard from her since then? A: No sir, it has been two years now because I know it has been two years since I seed her. The first time he wrote he was at my brother's house and they called me to the office in Okmulgee and I was just going out, he sent a boy up to tell me to come that they had news for me, but anyway I was in town and they overtook me as I was going home and I turned back, I can't hear very good, so I told him to go to the phone and see who it was and they said it was my brother and he told me to be up at Checote and he would be there to meet me and take me to his house and I didn't do it. I got in the wagon and went to the Tamun meeting.

Mitchell Grayson, being recalled testified as follows:

Questions by Commissioner:

Q: You told of a conversation you had with Lucy Ann Turner, did she offer you any money to testify? A: Yes she said she would give part of her land if she gets it. I said you go to Molly and if she claims to be your sister it is all right with me, and I said too many state niggers come in here now, that is how we get out off so short with our land and I won't swear no lie for you.

This is all the evidence taken in said cause at said time.

I, Julia C. Laval on my oath state that the above and foregoing is a true and compl te transcript of my stenographic notes as taken by me on said date in said cause.

Julia C. Laval

Subscribed and sworn to before me this 7 day of September, 1906.

Edward Merrell
Notary Public.

86650

Dr.Rs. 8821.

Muskogee, Indian Territory, September 17,1906.

The Honorable,

The Secretary of the Interior,

Sir;

August 13, 1906, there was transmitted for departmental consideration motion to reopen in the matter of the application for the enrollment of Lucy Ann Turner, et al., as Creek Freedmen, together with report of the Commissioner in same. In said report it was stated that "the contradiction in the testimony as to the date of birth of the principal applicant, when considered in connection with the statements set out in said motion, is sufficient to warrant a presumption of fraud", and it was recommended that said motion be granted in order that the testimony of Mitchell Grayson and Dolly Stidham, the alleged brother and sister of the principal applicant, might be secured.

August 18, 1906, there was filed with this office a power of attorney signed by Lucy Ann Turner appointing W. D. Halfhill and J. F. Campbell as her attorneys in the matter of the enrollment of herself and children, and revoking the former power of attorney issued by her to E.C.Merritt (presumably referring to Edward Merrick).

Secretary M.

In view of the statements set out in said motion as to a previous attempt to influence Mitchell Grayson to testify so that Lucy Ann Turner and her children might be enrolled, it was deemed advisable to procure the immediate attendance of Mitchell Grayson and Dolly Stidham before this office, in order that no opportunity might be afforded for a further attempt to influence the testimony of these witnesses.

On August 22, 1906, said Mitchell Grayson and Dolly Stidham appeared before this office and testified in the matter of the right to enrollment of Lucy Ann Turner, et al. The Creek Nation was represented by attorney at this hearing but though an endeavor was made to secure the attendance of said W. D. Halfhill and J. B. Campbell, applicant was not represented at said hearing.

In view of the testimony of Mitchell Grayson and Dolly Stidham I am of the opinion that a further hearing in this case is unnecessary; that Lucy Ann Turner and her children Maude Turner, Anna Turner, Willie Turner, Florence Turner and Dixey Griswell, were fraudulently enrolled as Creek Freedmen, and respectfully recommend that authority

Secretary:]

be granted for the striking of their names from the approved roll of Creek freedmen.

It is further respectfully recommended that this matter be referred to the District Attorney for the Western District of Indian Territory for such investigation and other action as the premises may warrant.

Copy of transcript of testimony taken in proceedings had August 22, 1906 is inclosed herewith.

Respectfully,

Through the

Commissioner.

Commissioner of Indian Affairs.

Refer in reply to the following:
Land: 70668-1906
80421- "
82847- "

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, November 7,1906

C O PY

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith a communication from the Commissioner to the Five Civilized Tribes, dated August 13, 1906, transmitting a motion to reopen the Creek enrollment case of Lucy Ann Turner, et al.; also a communication dated September 17, 1906, reporting on the same case.

On September 15, 1906, William W. Wright, of this city, filed in this Office affidavits of Lucy Ann Turner and William M. Turner, in support of her application, and entered his appearance in this matter. Lucy Ann Turner appeared before the Commission to the Five Civilized Tribes on July 8, 1904, and made application for the enrollment of herself and her five minor children as Creek freedmen. The evidence produced at that time went to show that Lucy Ann Turner was the daughter of one Mary Ann Grayson, whose name appeared on the roll of Creek freedmen made by J.W. Dunn prior to March 14, 1867, and that the applicant was born since the roll was made, and on January 12, 1906, Mary Ann Turner was enrolled as a Creek freedman in accordance with the provisions of the Act of Congress of June 28, 1898 (30 Stat.495).

On June 25, 1906, the attorney for the Creek Nation filed a motion to reopen and rehear the case, setting out that his motion was based on the alleged fact that the enrollment of these persons was procured through fraud, inasmuch as he had learned

through their original attorney that while acting for them he had discovered x that they were not entitled to enrollment and were perpetrating a fraud on the Commission to the Five Civilized Tribes and that he thereupon withdrew from the case and notified the Commission to the Five Civilized Tribes of that fact.

The Commissioner took testimony in this matter on August 22, 1906. Mitchell Grayson, aged 53, and a Creek freedman, whose mother was Mary Ann Grayson, testified that his mothed died about nine years ago; that she was the mother of five boys and three girls, the boys being named Bob, Josh, Sam, Ben, Tom, and the witness Mitchell, and that the girls were named Tilda, Dolly and Fannie; that he lived with his mother all his life until he was married, and then she moved out and lived with him, and that he was the youngest child; that he knew of no person by the name of Lucy Ann Turner, and was positive that she is not his sister or related to him in any way; that Lucy Ann Turner wrote a letter to him at one time and went to his sister, Dolly Stidham, claiming to be her sister, but that Dolly Stidham denied the fact.

The testimony of Peter Brewer , 75 years old, and residing at Edna, was that he had known Mitchell Grayson from a child up; knew his mother, Mary Ann Grayson, and that she was his step-mother that he knew all of her children and that he never heard of any child in Mary Ann Grayson's family by the name of Lucy Ann, and never heard of her until the day he gave x his testimony.

John Roberts, aged 63, testified that he had known Mitchell Grayson for abat 50 years; also that he knew Mary Ann Grayson during her life time; knew that Mitchell Grayson was her youngest child; was able to name all of her children in their order, and

had never heard of the child by the name of Lucy Ann Turner until the morning he gave his testimony, and said that he would be bound to know of such child, had there ever been one.

The testimony of Dolly Stidham was to the effect that Mary Ann Grayson was her mother; was able to name the children in their order, saying that Mitchell Grayson was her mother's youngest child and that she had no child by the name of Lucy Ann Turner. She detailed at some length the effprts made by Lucy Ann Turner to induce her to accept her as a sister and then asked witness if she had brothers older than she and proposed then that she claim one of the older brothers as her father, and proposed that if she was successful in this, that she would pay the witness $100.

The testimony submitted in the Commissioner's letter of September 17, 1906, is conclusive in the opinion of the Office that Lucy Ann Turner procured the enrollment of herself and her children by false impersonation and practiced a fraud on the Commissioner; and it therefore concurs in the recommendation of the Commissioner that authority be granted for the striking of their names from the approved roll of Creek freedmen, and that the matter be referred to the District Attorney for the Western District of the Indian Territory for an investigation, and such further action as the premises may warrant the District Attorney in taking after he investigates the matter.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

EWE-SD.

I.T.D. 22866-1906. JP.LLS.
LRS.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, February 14, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

It appears from your letter of August 13, 1906, that Lucy Ann Turner and her five minor children, Maude, Anna, Willie, and Florence Turner, and Dixey Griswold, have been listed upon a partial schedule of Creek freedmen approved by the Department June 16, 1906, opposite roll numbers 5650, 5651, 5652, 5653, 5654, and 5655, respectively.

You inclosed for departmental consideration a motion by the nation's attorney to reopen said case, filed in your office June 25, 1906, and also affidavits in support of such motion.

In your letter you recommended, for reasons stated, that the motion be granted in order that certain testimony might be taken in the case.

In letter of September 17, 1906, submitting affidavits, for reasons fully set out, you found that a further hearing in the case was unwarranted, and recommended that the names of the applicants be stricken from the partial schedule and that this matter be referred to the United States attorney for the western district of Indian Territory for such investigation and other action as the premises might warrant.

The Indian Office, in letter of November 7, 1906, submitting your reports, concurred in your recommendations. It stated that it was convinced that Lucy Ann Turner procured the enrollment of herself and her children by false impersonation, and practiced a fraud upon your office.

As it is apparent that the names of the applicants were placed upon the schedule by reason of false and fraudulent testimony, your recommendation is concurred in, and you are authorized to strike their names from the partial schedule in your possession. Their names have been stricken from the schedule in the possession of the Department.

The Indian Office has been authorized to take similar action relative to the part of the schedule in its possession.

The papers received with your letters are inclosed, and you are authorized to call the attention of the proper United States attorney to this matter, with a view to the prosecution of guilty parties.

A copy of Indian Office letter is inclosed.

Respectfully,

Thos Ryan,
First Assistant Secretary.

7 inclosures.
1 encl R.H.

Cr.No. 881.

Muskogee, Indian Territory, April 9,1907.

Lucy Ann Turner,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that under Departmental instructions of February 14, 1907, the names of yourself and minor children, Maude, Anna, Willie and Florence Turner, and Dixey Griswell, were stricken from the approved rolls of Freedmen of the Creek Nation, opposite numbers 5650, 5651, 5652, 5653, 5654 and 5655, respectively.

Respectfully,

Acting Commissioner.

8660

Creek No.881.

Muskogee, Indian Territory, April 9,1907.

Chief Clerk,

Creek Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of February 14, 1907, the names of Lucy Ann Turner, Maude, Anna, Willie and Florence Turner, and Dixey Griswold, were stricken from the approved rolls of Creek freedmen, opposite numbers 8650, 8651, 8652, 8653, 8654 and 8655, respectively.

Respectfully,

Acting Commissioner.

3565

Cr.En. 851.

Muskogee, Indian Territory, April 9,1907.

J. B. Campbell,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of February 14, 1907, the names of Lucy Ann Turner, Maude, Anna, Willie and Florence Turner, and Dixey Criswell, were stricken from the approved rolls of Creek Freedmen, opposite numbers 5650, 5651, 5652, 5653, 5654 and 5655, respectively.

Respectfully,

Acting Commissioner.

5650

Cr.En. 851.

Muskogee, Indian Territory, April 9, 1907.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of February 14, 1907, the names of Lucy Ann Turner, Maude, Anna, Willie and Florence Turner, and Dixey Criswell, were stricken from the approved rolls of Creek freedmen, opposite numbers 5650, 5651, 5652, 5653, 5654 and 5655, respectively.

Respectfully,

Acting Commissioner.

35650

Cr.En. 851.

Muskogee, Indian Territory, April 9, 1907.

W. D. Halfhill,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under Departmental instructions of February 14, 1907, the names of Lucy Ann Turner , Maude, Anna, Willie and Florence Turner and Dixey Griswell, were stricken from the approved rolls of Creek Freedmen, opposite numbers 5650, 5651, 5652, 5653, 5654 and 5655, respectively.

Respectfully,

Acting Commissioner.

[redacted]

Oct 8-1907

Lucy Ann Turner and
four others.

The Commissioner of Indian Affairs.

Sir:

The Department is in receipt of inclosed letter of counsel for Lucy Ann Turner, Maud Turner, Willie Turner, Florence Turner, and Dixie Griswell claiming to be Creek freedmen, once duly enrolled, and to have been stricken from the rolls without authority of law. They ask to be allowed to make tentative selections of land to be allotted to them if their claim of invalidity of their striking from the roll is sustained by the courts, and it finally appear that they are entitled to the rights of Creek freedmen.

You will advise the Commissioner to the Five Civilized Tribes to permit them to make selection of land as tentative allotments, memoranda of which will be entered opposite the tract descriptions selected to indicate their selections, no certificate of allotment, however, to be issued until their claim of right to stand upon the rolls is favorably determined. The letter is herewith for your files.

Very respectfully,

(Signed) J.R.Garfield

Secretary.

Advise by copy Kappler & Merillat,

Washington, D. C.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

October 12, 1907.

Creek freedmen rights of
Lucy Ann Turner, et al.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Office has received Departmental letter of the 5th instant concerning a request by counsel for Lucy Ann Turner, Madd Turner, Willie Turner, Florence Turner and Dixie Griswell, claiming to be Creek freedmen, whose names have been stricken from the rolls, as is alleged without authority of law, that they make tentative selections of lands for allotment pending a final determination of their cases.

The Office is directed to advise you of the decision of the Department that these parties may make such tentative selection. Copy of the letter of the Department is enclosed.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

EHH-Y.

GGA (COPY)

D - 798 DEPARTMENT OF THE INTERIOR, J.W.M.
WASHINGTON.

November 7, 1907.

In The Supreme Court of the District of Columbia.

The United States of America, On Relations Lucy Ann Turner et al., Petitioners,

vs.

James Rudolph Garfield, Secretary of the Interior, Respondent.

At Law No. 49691.
Mandamus.
Office of Indian Affairs
Received NOV 9 - 1907
FILE 88448

The Attorney-General.

Sir:-

October 29, 1907 Lucy Ann Turner et al. filed a petition in the Supreme Court of the District of Columbia for the purpose of securing an order requiring the Secretary of the Interior to restore their names to the rolls of citizens of the Creek Nation, their classification thereon having been that of Creek Freedmen. This petition having been considered by the Court, an order was issued directing the Secretary of the Interior to show cause on or before November 15, 1907, why writ of mandamus should not issue as requested.

The records of this Department show that the petitioners in the above entitled cause presented an application on July 8, 1904, to the Commission to the Five Civilized Tribes for enrollment as "Creek Freedmen." Also that said application was granted by

the Successor to the Commission to the Five Civilized Tribes, tewit, the Commissioner to the Five Civilized Tribes, on January 12, 1906. Subsequently a schedule containing a part of the final roll of the Freedmen of the Creek Nation was prepared on which appeared the names of these applicants. On June 6, the Commissioner ordered that all thereon should be enrolled as Creek Freedmen, and transmitted such schedule to the Secretary of the Interior, for his approval.

The schedule, referred to above, was forwarded, June 13, 1906, together with the recommendation of the Commissioner to the Five Civilized Tribes, by the Commissioner of Indian Affairs, who recommended that the schedule be approved.

June 16, 1906, the schedule containing the names of the above petitioners was approved by Jesse E.Wilson, Assistant Secretary of the Interior. Subsequently, on recommendation of the Commissioner to the Five Civilized Tribes, concurred in by the Indian Office, this Department canceled the names of Lucy Ann Turner and her children from the roll theretofore approved and in the custody of the Secretary of the Interior, and authorized like action respecting the rolls in the custody of the Commissioner of Indian Affairs and the Commissioner to the Five Civilized Tribes. This action was taken February 14, 1907, and, in accordance with departmental letter of said date, of which W.W. Wright, of this City, who was one of the attorneys of record for the applicants,

was duly advised, February 20, 1907, as appears from the records of the Indian Office.

It is considered unnecessary to enter into further details concerning the history of the case inasmuch as the same is fully set forth in the decisions and letter enclosed herewith and schedule below.

In view of the fact that a number of suits of similar nature have been instituted against the Secretary of the Interior and referred to you in order that the defense of the same might be made under the direction of your Department, the papers herewith are forwarded to you with request that you cause such action to be taken in this case as you may deem necessary therein.

The return is requested of the record in the matter of the enrollment proceedings before the Commission to the Five Civilized Tribes and its successor.

Very respectfully,

(Signed) James Rudolph Garfield

Schedule of Inclosures:
1. Copy of petition and order in suit of Lucy Ann Turner et al. v. James Rudolph Garfield.
2. Record in the matter of the application to the Commissioner to the Five Civilized Tribes of Lucy Ann Turner et al. for enrollment as Creek Freedmen.
3. Copy of letter of June 6, 1906, from the Commissioner to the Five Civilized Tribes to the Secretary of the Interior.

4. Copy of letter of June 13, 1906, from the Acting Commissioner of Indian Affairs to the Secretary of the Interior.
5. Copy of letter of June 16, 1906, from the Assistant Secretary of the Interior to the Commissioner to the Five Civilized Tribes.
6. Copy of letter of August 13, 1906, from the Commissioner to the Five Civilized Tribes to the Secretary of the Interior.
7. Copy of letter of September 17, 1906, from the Commissioner to the Five Civilized Tribes to the Secretary of the Interior.
8. Copy of letter of November 7, 1906, from the Acting Commissioner of Indian Affairs to the Secretary of the Interior.
9. Copy of letter of February 14, 1907, from the First Assistant Secretary of the Interior to the Commissioner of Indian Affairs.
10. Copy of letter of February 14, 1907, from the First Assistant Secretary of the Interior to the Commissioner to the Five Civilized Tribes.
11. Copy of portion of final roll of Creek Freedmen containing the names of Lucy Ann Turner and her children, approved June 16, 1906, by the Assistant Secretary of the Interior, showing cancellation of names therefrom February 14, 1907, said copy having been made from the roll in the office of the Commissioner of Indian Affairs.
12. Copy of portion of final roll of Creek Freedmen containing the names of Lucy Ann Turner and her children, approved June 16, 1906, by the Assistant Secretary of the Interior, showing cancellation of names therefrom, February 14, 1907, said copy having been made from roll in the office of the Secretary of the Interior.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

G.F. 88446-1907.
File C&3.

November 11, 1907.

Subject:
Creek enrollment case of
Lucy Ann Turner.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is enclosed copy of Departmental letter of the 7th instant, addressed to the Attorney General of the United States in the matter of the United States of America on the relation of Lucy Ann Turner et al. vs. James R. Garfield, Secretary of the Interior, in the Supreme Court of the District of Columbia.

The Office is instructed by the Department to advise you of its action and to inform you that it is the desire of the Department that no action shall be taken during the pendency of the suit to the prejudice of the applicants by way of issuance or recording of deeds to any adverse claimant or otherwise.

Very respectfully,

(Sgined) C. F. Larrabee,

Acting Commissioner.

KBH-Y.

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

E.M.
Apr. 6, 09
Dixi Griswell

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letters of February 25, 1909 and March 2, 1909, (File 5-51), requesting reports on certain persons, whose names were stricken, without prior notice, from the approved rolls of citizens of the Five Civilized Tribes, following the instructions in Departmental letter relative to Cherokee Cases of Charles F. Burgess and others, I have the honor to report relative to Dixey Griswell, a Creek Freedman claimant, whose name appears opposite number 5655, on the roll of Creek Freedmen, approved June 16, 1906, as follows:

1. Dixey Griswell has not at any time been accorded tribal recognition by the Creek Nation. She claims however that her mother, Lucy Ann Turner, is the daughter of one Mary Ann Grayson, deceased, whose name appears on the Dunn roll, opposite number 209.

2. On January 12, 1906, the Commissioner to the

Five Civilized Tribes rendered his decision in Creek allotment Case No. 531, in the matter of the application for enrollment of Lucy Ann Turner, et al., granting the application for enrollment of said Dixey Griswell, as a Creek Freedman; and no protest having been filed by the Attorney for the Creek Nation within the time allowed, the Commissioner listed, on March 15, 1906, this applicant for enrollment on Creek Freedman Card No. 1882. On June 16, 1906, a partial schedule of Creek Freedmen having thereon the name of said Dixey Griswell, opposite number 5655, was approved by the Secretary of the Interior. On August 13, 1906, there was transmitted for Departmental consideration motion to reopen in the matter of the application for the enrollment of Lucy Ann Turner, et al., as Creek Freedment, together with the report of the Commissioner in same. On August 22, 1906, The Commissioner heard further testimony in this case and on September 17, 1906, transmitted for departmental consideration a copy of transcript of testimony taken in this matter on said August 22, 1906, together with the recommendation of

the Commissioner that authority be granted to strike from the approved roll of Creek Freedmen, the names of all the applicants in the case of Lucy Ann Turner, et al., and on February 14, 1907, said names were so stricken by authority of the Department.

3. No action as to this claimant's right to recognition as a citizen of the Creek Nation was ever had under the Act of June 10, 1896, either by the Commission to the Five Civilized Tribes or by the United States Courts.

4. See report in No. 3, above.

5. No certificates of allotment or patents were issued; however on October 23, 1907, said Dixey Griswell was allowed to select a tentative allotment, by direction of the Department, (I.T.D.81513-1907, File-053).

6. On August 22, 1906, the date on which the testimony above referred to was taken, in the matter of the right to enrollment of Lucy Ann Turner, et al., the Creek Nation was represented by Counsel; but notwithstanding an endeavor was made to secure the attendance of applicants' Counsel, none appeared and applicants were not represented at said hearing.

Creek Nation was represented by Counsel. J. B. Campbell and W. D. Halfhill, of Muskogee, were the Attorneys of record for applicants, and an attempt was made, over the 'phone, to secure the attendance of said Attorneys at this hearing, but they could not be found. The Attorney, representing the Creek Nation, called in person at the office of W. D. Halfhill and was informed that Mr. Halfhill was sick. Applicants, therefore, were not represented at said hearing. However, ~~this office is definitely advised~~ it can be authoritatively stated that Counsel for applicants had full knowledge of what was testified to on the date of said hearing, on August 22, 1906, and had ample opportunity to introduce any testimony they might see proper to introduce long prior to the date of the action of the Department directing the striking from the rolls the names of said applicants.

7. The name of Dixey Griswell, as well as all the other names of applicants in the case of Lucy Ann Turner, et al., was stricken from the approved roll of Creek Freedmen, by authority of the Department on

Secretary--#3

February 14, 1907, after a consideration of the transcript of testimony taken in the proceedings had on said August 22, 1906, and forwarded to the Department by the Commissioner on September 17, 1906.

Respectfully,

SCP(MPS)

Commissioner.

Through the Commissioner
of Indian Affairs.

Muskogee, Oklahoma, April 6, 1909.

Creek.
Status relative to
enrollment of Dixey
Griswell.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letters of February 25, 1909 and March 2, 1909, (File 5-51), requesting reports on certain persons, whose names were stricken, without prior notice, from the approved rolls of citizens of the Five Civilized Tribes, following the instructions in Departmental letter relative to Cherokee Cases of Charles F. Burgess and others, I have the honor to report relative to Dixey Griswell, a Creek Freedman claimant, whose name appears opposite number 5655, on the roll of Creek Freedmen, approved June 16, 1906, as follows:

1. Dixey Griswell has not at any time been accorded tribal recognition by the Creek Nation. She claims however that her mother, Lucy Ann Turner, is the

Secretary—#

daughter of [illegible] Mary Ann Grayson, deceased, whose name appears on the Dawes roll, opposite number [illegible].

2. On February 13, 1906, the Commissioner to the Five Civilized Tribes rendered his decision in Creek allotment case No. 832, in the matter of the application for enrollment of Lucy Ann Turner, et al., granting the application for enrollment of said Dixey Griswell, as a Creek Freedman, and no protest having been filed by the Attorney for the Creek Nation within the time allowed, the Commissioner listed, on March 15, 1906, this applicant for enrollment on Creek Freedman Card No. 1662. On June 16, 1906, a partial schedule of Creek Freedmen having thereon the name of said Dixey Griswell, opposite number 5655, was approved by the Secretary of the Interior. On August 13, 1906, there was transmitted for Departmental consideration motion to reopen in the matter of the application for the enrollment of Lucy Ann Turner, et al., as Creek Freedmen, together with the report of the Commissioner in same. On August 22, 1906, the Commissioner heard further testimony in this case and on September 17, 1906, transmitted for Departmental consideration a

copy of transcript of testimony taken in this matter on said August 22, 1906, together with the recommendation of the Commissioner that authority be granted to strike from the approved roll of Creek Freedmen, the names of all the applicants in the case of Lucy Ann Turner, et al., and on February 14, 1907, said names were so stricken by authority of the Department.

3. No action as to this claimant's right to recognition as a citizen of the Creek Nation was ever had under the Act of June 10, 1896, either by the Commission to the Five Civilized Tribes or by the United States Courts.

4. See report in No. 3, above.

5. No certificates of allotment or patents were issued; however on October 23, 1907, said Dixey Criswell was allowed to select a tentative allotment, by direction of the Department, (I.T.D.81513-1907, File-063).

6. On August 22, 1906, the date on which the testimony above referred to was taken, in the matter of the right to enrollment of Lucy Ann Turner, et al., the

Creek Nation was represented by Counsel. J. B. Campbell and T. D. Halfhill, of Muskogee, were the Attorneys of record for applicants, and an attempt was made, over the 'phone, to secure the attendance of said Attorneys at this hearing, but they could not be found. The Attorney, representing the Creek Nation, called in person at the office of T. D. Halfhill and was informed that Mr. Halfhill was sick. Applicants, therefore, were not represented at said hearing. However it can be authoritatively stated that Counsel for applicants had full knowledge of what was testified to on the date of said hearing, on August 22, 1906, and had ample opportunity to introduce any testimony they might see proper to introduce long prior to the date of the action of the Department directing the striking from the rolls the names of said applicants. John G. Lieber, representing the Attorney for the Creek Nation at the time of the hearing of this case, personally saw Mr. J. B. Campbell, of counsel for applicants, a few days subsequent to such hearing and informed him of the action taken. Henry G. Haines, clerk in charge of the Creek enrollment division, at the time, personally submitted the complete record in

this matter, just subsequent to the transcribing of the testimony and long prior to the date of Departmental action striking said names from the approved roll, to W. D. Halfhill, of counsel for applicants, for examination. Edward Merrick, law clerk in the Creek enrollment division at the time, remembers distinctly that Mr. Halfhill, a few days after this hearing, requested of the Creek enrollment division permission to examine the record in this case, and such permission was granted. Edward Merrick also personally saw Mr. J. B. Campbell within a short time subsequent to such hearing and informed him (Campbell) of the nature of the testimony submitted on the part of the Creek Nation. Both Mr. Hains and Mr. Merrick are of the opinion that a copy of the testimony taken was given to Mr. Halfhill at the time he examined this record, but no written evidence of such fact can be found with the files in this case.

7. The name of Dixey Griswell, as well as all the other names of applicants in the case of Lucy Ann Turner, et al., was stricken from the approved roll of Creek freedmen, by authority of the Department on

[redacted]

SOP(KPS)

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

[redacted]

[redacted]

v.

Garfield, [redacted]
Secretary of the Interior.

The Commissioner
of Indian Affairs.

Sir:-

Herewith, for your information and the files of your office, is a copy of an order entered by the Court of Appeals for the District of Columbia, April 6, 1908, in the above styled case. It is probable that the plaintiffs will carry the case to the Supreme Court of the United States and hence no action should be taken affecting the claims of the plaintiffs until this judgment has become final either by failure to appeal or by judgment upon such appeal.

Very respectfully,

Jesse E. Wilson
Assistant Secretary.

May 7, 1909.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:-

There is transmitted herewith for your information and guidance, a copy of Department letter of April 9, 1907, relative to an order entered by the Court of Appeals for the District of Columbia, April 6, 1909, in the case of the United States, ex rel Lucy Ann Turner, et al., vs. James Rudolph Garfield, Secretary of the Interior.

A copy of the order is also enclosed.

Very respectfully,

John Francis, Jr.
Acting Chief Land Division.

BCS-30
486.

Land
29336-1909
J E D

1-17615

(C O P Y)

Enrollment case
of Dixey Griswell .

Aug 17, 1909.

The Honorable

The Secretary of the Interior

Sir:

Referring to Department letter of April 9, 1909 relative to the order entered by the Court of Appeals for the District of Columbia, April 6, 1909, in the case of the United States, ex rel, Lucy Ann Turner, et al, vs the Secretary of the Interior, there is transmitted herewith for your information the report of April 6, 1909, from the Commissioner to the Five Civilized Tribes relative to the Creek Freedmen enrollment case of Dixey Griswell.

It appears that Dixey Griswell is a daughter of Lucy Ann Turner and a party in the above mentioned suit.

The Office recommends that the Department take no action in this case pending final decision of the Court in the Turner case referred to above.

Very Respectfully,

(Signed) F. H. Abbott

Acting Commissioner.

JC-13
3929

Approved
September 2, 1909

(Signed) Frank Pierce
Acting Secretary.

(OVER)

Ex 631

Subject:
Creek Freedmen
Right of Lucy Ann
Turner, et al.

Muskogee, Oklahoma, April 10, 1911.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to approved Indian Office letter of August 17, 1909, (Land 89335-1909) transmitting to the Secretary of the Interior the report of the Commissioner to the Five Civilized Tribes, in response to Departmental letter of February 25, and March 2, 1909 (File 5-31) in the matter of the Creek freedmen rights of Lucy Ann Turner and her five children, Maude, Anna, Willie and Florence Turner and Dixie Criswell, I have the honor to request you to advise me of the present status of the enrollment rights of said Lucy Ann Turner and her children.

It appears from the records of this office that on June 16, 1906 a partial schedule of Creek freedmen having thereon the names of said Lucy Ann Turner and her five children, opposite Nos. 5650 to 5655 inclusive, was approved by the Secretary of the Interior; that on August 13, 1906, there was transmitted for Departmental consideration, motion to reopen in the matter of the application for the enrollment of said Lucy Ann Turner and her children as Creek freedmen, together with a report of the Commissioner to the Five Civilized Tribes in the matter;

that on September 17, 1906, the Commissioner to the Five Civilized Tribes transmitted for Departmental consideration, a copy of the transcript of testimony therefore taken in said matter, together with his recommendation that authority be granted to strike from the approved roll of Creek freedmen the names of said applicants; that on February 14, 1907, (I.T.D. 22803-1906), said names were so stricken from said roll by authority of the Department, and that in October 1907, tentative selections of lands for allotment were allotted said claimants by order of Departmental letter of October 5, 1907 addressed to the Commissioner of Indian Affairs and by him transmitted to this office with his letter of October 12, 1907 (I.T.D. 81813-1907 - File 053).

It further appears, referring to Washington Law Reporter, Volume 36, page 810 that in the case of the United States of America, ex rel Lucy Ann Turner and her children, vs The Secretary of the Interior, application was made to the Supreme Court of the District of Columbia for a writ of mandamus compelling the Secretary of the Interior to restore the names of said applicants to the approved Creek freedmen roll; that the prayer of the relator was granted by

[illegible] Supreme Court and the Secretary of the Interior was ordered to restore the names of relators to the Creek freedmen roll, and that thereafter the Secretary of the Interior prosecuted an appeal to the Court of Appeals for the District of Columbia, which Court on April 6, 1909 reversed the Order of said Supreme Court and decided that said relators were not entitled to enrollment.

This office has not been advised what further action, if any, has been had in the matter of said claimants petition for restoration of their names to the approved Creek freedmen roll, and in order that the matter relative to the tentative selections made by said Lucy Ann Turner and her children in October, 1907 may be speedily closed, if possible, I request to be advised as to the status of the enrollment rights of said claimants and instructed as to the proper procedure in connection therewith.

Respectfully,

Through the Commissioner.

Commissioner of Indian Affairs.

WHA(JCL)

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Land-
Population.
56166-1911.
F M D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

865.

Lucy Ann
Turner, et al.

May 17, 1911.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

The Office has received your communication of April 18, 1911, to the Secretary of the Interior requesting to be advised of the status of the enrollment and allotment rights of Lucy Ann Turner and her children.

Her claim and that of her children to enrollment and allotment as Creek Freedmen was involved in the case of the United States of America, ex rel Lucy Ann Turner and her children v. the secretary of the Interior, on April 6, 1909 the Court of Appeals for the District of Columbia reversed the order of the Supreme Court of the District and decided adversely to the plaintiffs. On May 1, 1909, you were furnished for your information and guidance a copy of the order of the Court of Appeals and a copy of Departmental letter of April 9, 1909, in relation thereto. In Departmental letter of April 9 , 1909, it was said "It is probable that the plaintiffs will carry the case to the Supreme Court of the United States and hence no action should be taken affecting the claims of the plaintiffs until this judgment has become final, either by failure to appeal or by judgment upon such appeal".

The case was appealed and is now pending in the Supreme Court of the United States. No action should be taken by your office affecting the rights or claims of the plaintiffs to enrollment and allotment pending the final adjudication of the suit now before the Supreme Court.

Respectfully

(Signed) C. F. Hauke

Second Assistant Commissioner.

5-HWP-18;

(COPY)

IN THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

The United States of America, on relations of Lucy Ann Turner, Dixey Caldwell and Maude Turner, Willie Turner, Anna Turner, and Florence Turner, Minors, suing by their mother and next friend, Lucy Ann Turner, Appellants,

vs.

James Rudolph Garfield, Secretary of the Interior.

No.1926

This case, on the same facts and pleadings presented by this appeal, was considered by this Court at the April Term, 31 App.D.C.338.

In the former appeal, the case came here on declaration and answer, and demurrer to the answer.

On hearing in the Supreme Court of the District of Columbia, the demurrer was overruled, and from that ruling a special appeal was taken.

We reversed the ruling and remanded the case for further proceedings in accordance with the views expressed in our opinion.

When the mandate was filed in the court below, appellants refused to plead over, and elected to stand on their demurrer. Accordingly, a judgment was entered dismissing the action, and assessing costs against the petitioner. From such judgment,

the present appeal is prosecuted.

We find no reason to change or modify our views as expressed in our former opinion. The judgment is therefore affirmed, with costs, and it is so ordered.

Affirmed.

Josiah A. Van Orsdell

Justice.

(Endorsed: Court of Appeals, District of Columbia.
Filed April 6, 1909.
Henry W. Hodges,
Clerk).

En 531

SUPREME COURT OF THE UNITED STATES

No. 40 - October Term, 1911

The United States of America, Ex relatine [illegible], Relators, suing by their Mother and next friend, Lucy Ann Turner, Plaintiffs in Error, vs. Walter L. Fisher, Secretary of the Interior.

In error to the Court of Appeals of the District of Columbia.

(December 4, 1911)

In error from a judgment of the Court of Appeals of the District of Columbia affirming an order of the lower court refusing to issue a writ of mandamus requiring the Secretary of the Interior to restore the names of Relators to the Freedmen Rolls of the Creek Nation, from which they had been stricken. 31 App. D. C. 532, 33 Id. 195.

Memorandum opinion by direction of the Court. By Mr. Justice Lamar:

1. Where, under the provisions of acts of Congress, and after a hearing, the names of Relators were duly entered as Creek Freedmen by blood on the rolls made and approved by the Secretary of the Interior, rights were acquired of which the freedmen could not be deprived without that character of notice and opportunity to be heard essential to due process of law. Garfield v. Goldsby, 211 U. S. 249.

2. Notice to the attorney of such freedmen, given a few hours before the hearing of a motion to strike their names, on the ground that their enrollment had been secured by perjury, was not such notice as afforded due process, Roller v. Holly, 176 U. S. 399, 409; Hager v. Reclamation Dist., 111 U. S. 708;

Iowa Central v. Iowa, 160 U. S. 389; Covey v. Elliott, 167 U.S. 414.

3. In the absence of other controlling facts, the Secretary of the Interior could have been required by mandamus to restore the names of those thus arbitrarily stricken off without notice. Garfield v. Goldsby, 211 U. S. 249.

4. But mandamus is not a writ of right. It issues to remedy a wrong, not to promote one, and will not be granted in aid of those who do not come into court with clean hands.

5. Although the petition for the writ alleged that relators were freedmen duly enrolled and denied the truth of the testimony on which their names were stricken off, yet where the answer of the Secretary referred to that testimony and alleged, "on information and belief, that the relators were not freedmen members or members by blood or marriage of the Creek Nation, and that their enrollment had been procured by fraud," a defense was stated, proof of which would have defeated the right to a restoration of relators' names, even though they had been improperly stricken from the rolls without due process. Redfield v. Windom, 137 U. S. 636, 646; In re Sanford Co., 160 U. S. 257.

6. Where a general demurrer to an answer containing such defense was overruled, and the relators, instead of replying, elected to stand on their demurrer, the writ of mandamus was properly refused. In re Sanford Co., 160 U. S. 257.

7. To have issued the writ would have involved the useless thing of requiring relators' names to be re-entered, and in other proceedings having their names stricken because the original enrollment had been procured by fraud, thus admitted by the demurrer.

Affirmed.

True Copy.

Test: Clerk Supreme Court, U.S.

REFER IN REPLY TO THE FOLLOWING:

D 2151-1911
JOE-VR

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Oklahoma, May 20, 1912.

Dixy Criswell,

Wagoner, Oklahoma.

Madam:

You are hereby advised that, in accordance with the decision of the Supreme Court of the United States, rendered the 4th day of December, 1911, your enrollment and the tentative allotment selection made by you have been cancelled.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING.

39050

D 6161-1911
208-VR

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Oklahoma, May 20, 1912.

Lucy Ann Turner,

Wagoner, Oklahoma.

Madam:

You are hereby advised that, in accordance with the decision of the Supreme Court of the United States, rendered December 4, 1911, the enrollment and tentative allotment selections of yourself and children, Maude, Anna, Willie and Florence Turner, have been cancelled.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

I.T. 81813-1907.
File 988.

October 12, 1907.

Subject:
Creek freedmen rights of Lucy Ann Turner, et al.

Commissioner to the Five Civilized Tribes,
Muskogee,
Indian Territory.

Sir:

The Office has received Departmental letter of the 8th instant concerning a request by counsel for Lucy Ann Turner, Maud Turner, Willie Turner, Florence Turner and Dixie Griswell, claiming to be Creek freedmen, whose names have been stricken from the rolls, as is alleged without authority of law, that they make tentative selections of lands for allotment pending a final determination of their cases.

The Office is directed to advise you of the decision of the Department that these parties may make such tentative selection. Copy of the letter of the Department is enclosed.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

HBE-Y.

Department of the Interior

Creek Land Office.

Act of Congress, Approved March 1, 1901.
(31 Stat., L. 861)

MUSKOGEE, I. T., Oct 22 1907

IN THE MATTER OF THE APPLICATION OF Lucy Ann Turner
to take an allotment of land in the Creek Nation for Myself
accompanied by a ~~certificate~~ showing that the said Lucy Ann Turner
~~has been duly~~ enrolled as a citizen of said Nation.

being first duly sworn, testifies as follows:

Q. What is your name? A. Lucy Ann Turner

Q. What is your postoffice address? A. Wagoner I. T.

Q. For whom do you make application for allotment? A. Myself.

Q. Is ..... he now living? A. .....

Q. How do you represent this person? A. .....

Application is Made for the Following Described Land:

HOMESTEAD

ROLL	NO.	SUBDIVISION OF		SEC.	TWP.	RGE.	AREA ACRES	AREA 100	APPRAISED VAL. DOLLARS	APPRAISED VAL. CTS.	CERTIFICATE NO.
		SW¼ of NE¼ of	2.40	1	17	10	40		96		
		SE¼ of SE¼ of	2.00	7	17	8	40		80		
		SE¼ of NE¼ of	4.80	17	17	16	40		192		
		SE¼ of NE¼ of	3.00	24	18	8	40		120		
							160		488		

Application is made for the following described land exclusive of homestead designated

Total appraised value

Q. Have you been over and examined this land with a view to making application for it?
A. No, but I desire to accept the last of my husband

Q. Are you fully informed as to the location of same and the character of the soil? A. ——

Q. Are there any improvements on any of the lands for which you apply? A. ——
Yes or No.

Q. Of what do the improvements consist? A. ——
If buildings, state whether house, barn or shed, etc.

Cultivated Land: State number of acres

Fencing: State whether enclosing cultivated or pasture land

2 CTM.

Q. Who is the owner of these improvements? A. ———

If all the improvements are owned by a person and a fully complete application state only the name of such owner. If only a part of the improvements are owned by such a person, state name of owner and describe the particular tract on which such improvements are located, giving postoffice address of owner in each instance.

Q. Have you obtained permission of
Name of owner given in last answer.
to select the land on which improvements are located? A. ———

Q. Does any one else claim these lands or any part of them? A. ———

Q. Are there any churches, schools or court houses on these lands? A.
If so give description of so-
such subdivision on which located.

Q. Is that portion of the land designated as a homestead, suitable for a home? A. ———

Q. Do you ~~in behalf of~~
accept the above described land in allotment to you? A. yes.

Q. Do you make this application of your own free will and in good faith in all respects?
A. yes.

Lucy ann Turner

WITNESS TO MARK:

INDIAN TERRITORY,
WESTERN DISTRICT.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 22
day of Oct, 1907.

A. b. Pitts
Notary Public.

Lat.

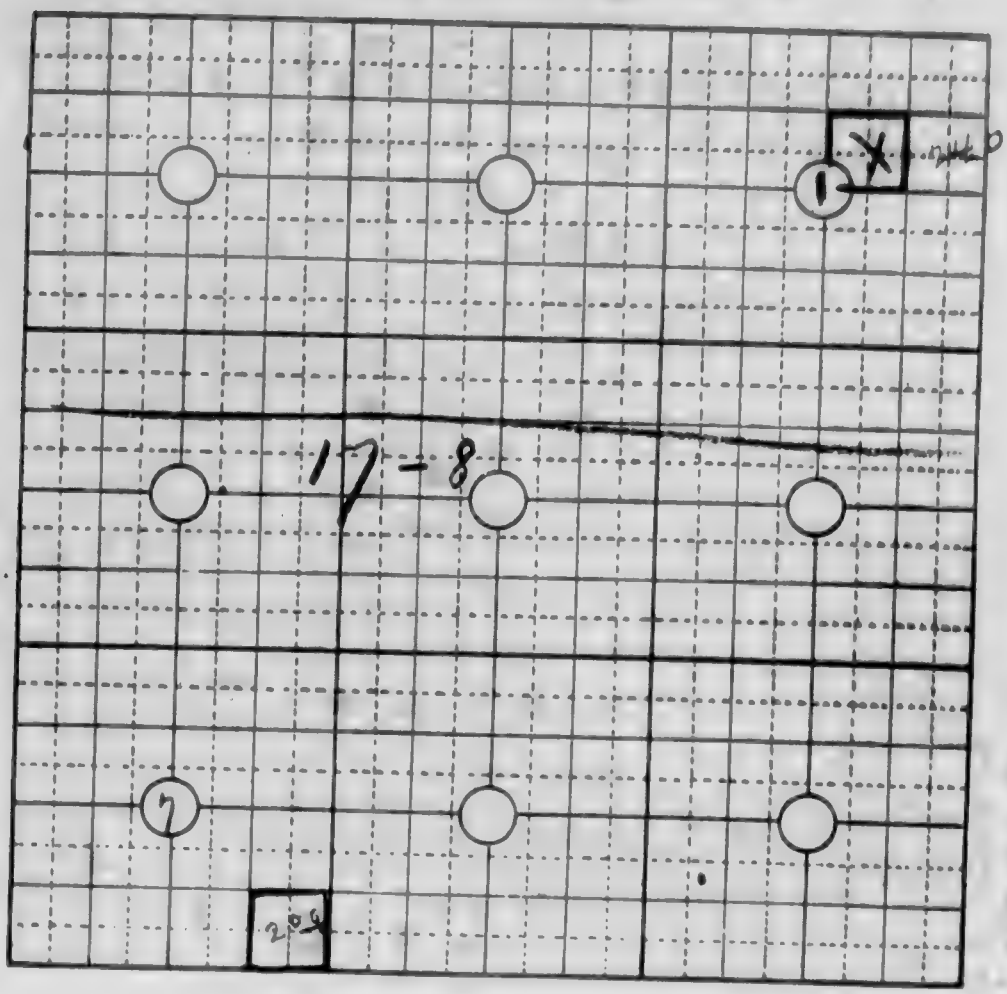
(148)

DEPARTMENT OF THE INTERIOR.

Commissioner to the Five Civilized Tribes

Creek Nation.

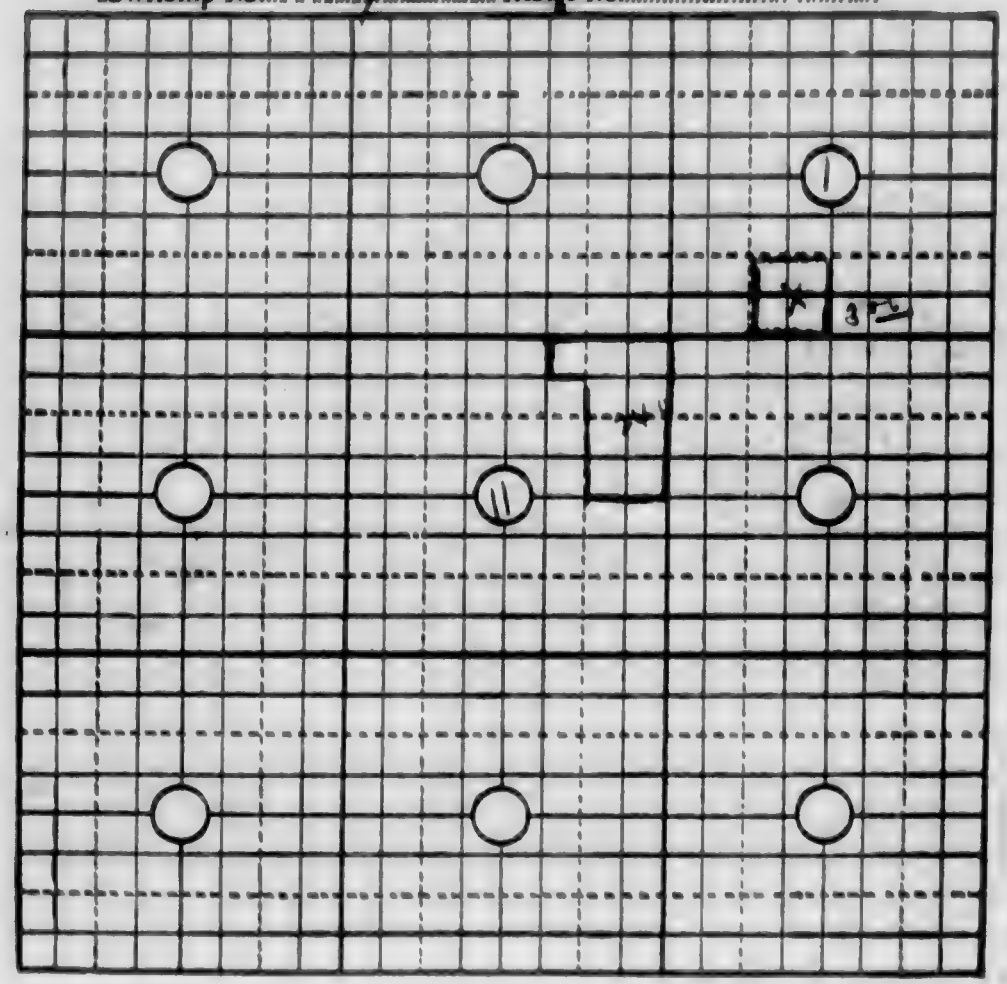
Township No. 17 Range No. 10



DEPARTMENT OF THE INTERIOR.

Nonwatin Nation.

Township No. 17 Range No. 10



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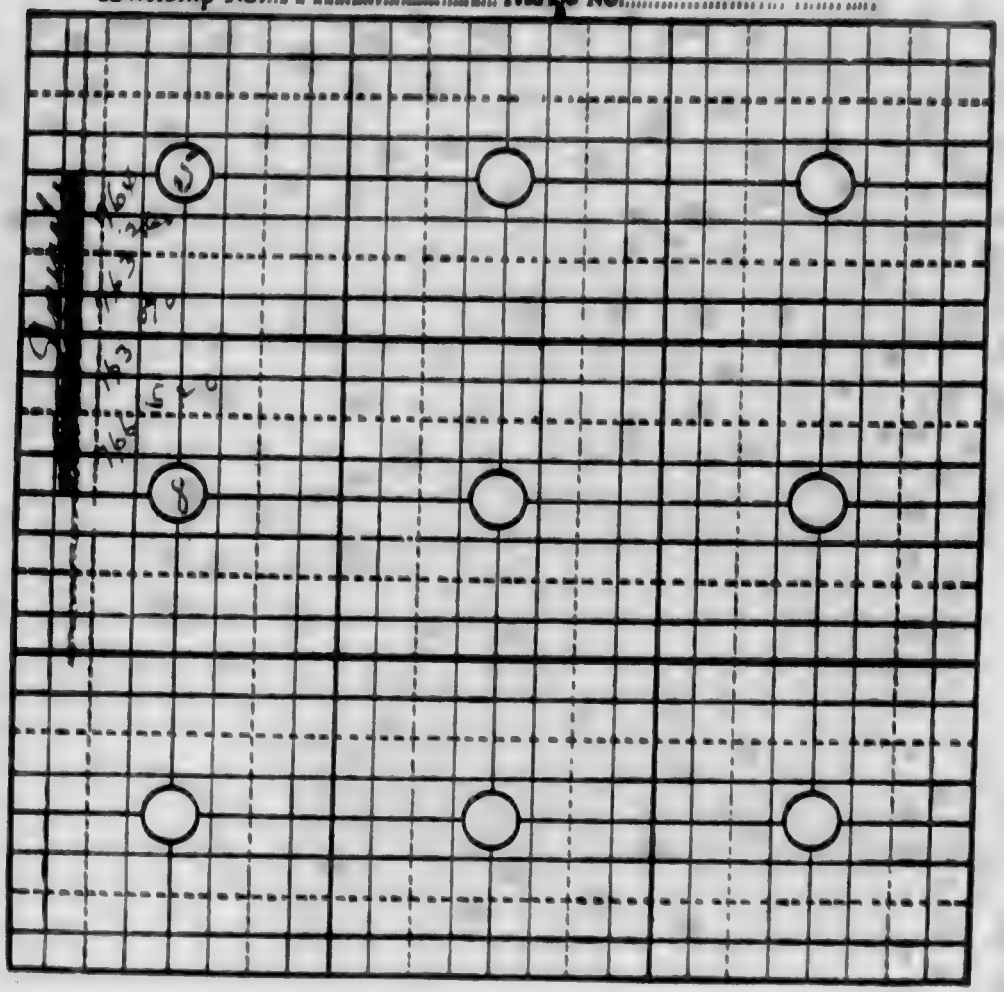
DEPARTMENT OF THE INTERIOR.

Kamloops Nation.

Township No. 1 Range No. 8



Department of the Interior

Creek Land Office.

Act of Congress, Approved March 1, 1901.
(31 Stat., 1861)

MUSKOGEE, I. T., Oct 22 1907

IN THE MATTER OF THE APPLICATION OF Dixey Griswell
to take an allotment of land in the Creek Nation for Myself
accompanied by certificate showing that the said Dixey Grisewell
has been duly enrolled as a citizen of said Nation.

Dixey Grisewell being first duly sworn, testifies as follows:

Q. What is your name? A. Dixey Grisewell

Q. What is your postoffice address? A. Wagoner I.T.

Q. For whom do you make application for allotment? A. Myself.

Q. Is ..... he now living? A. .....

Q. How do you represent this person? A. .....

Application is Made for the Following Described Land:

HOMESTEAD

ROLL	NO.	SUBDIVISION OF	SEC.	TWP	RGE	AREA ACRES	AREA 100	APPRAISED VAL. DOLLARS	APPRAISED VAL. CTS.	CERTIFICATE NO.
		SE¼ of SW¼ of	1	17	10	160		120		
		SE¼ of NW¼ of NE¼ of	24	17	10	80		192		
		NE¼ of NW¼ of NE¼ of	24	17	10	10		24		
		N ½ of NE¼ of NW¼ of NE¼ of	36	17	10	7½		19	86	
		N ½ of NE¼ of NW¼ of NE¼ of	5	17	9	7½		2	76	
		N ½ of NE¼ of NW¼ of NE¼ of	5	17	9	7½		39	48	
		N ½ of NW¼ of NE¼ of	8	17	9	7½		39	83	
						100	67			
								Total appraised value.	465	13

Application is made for the following described land exclusive of homestead designated

Q. Have you been over and examined this land with a view to making application for it?
A. No, but I desire to accept the land of my father

Q. Are you fully informed as to the location of same and the character of the soil? A. ——

Q. Are there any improvements on any of the lands for which you apply? A. ——
Yes or No.

Q. Of what do the improvements consist? A. ——
If buildings, state whether house, barn or shed, etc.

Cultivated Land: State number of acres.

Pasture: State whether containing cultivated or pasture land.

Allotment.

Q. Who is the owner of these improvements? A. —

If all the improvements are owned by a person not applying for land, application state only the name of such owner. If only a part of the improvements are owned by such a person, state name of owner and describe the particular tract on which such improvements are located, giving postoffice address of owner in such instance.

Q. Have you obtained permission of Name of owner given in last answer. to select the land on which improvements are located? A. —

Q. Does any one else claim these lands or any part of them? A. —

Q. Are there any churches, schools or court houses on these lands? A. —

If so give description of tract subdivision on which located.

Q. Is that portion of the land designated as a homestead, suitable for a home? A. —

Q. Do you ~~in behalf of~~ accept the above described land in allotment to you? A. ye

Q. Do you make this application of your own free will and in good faith in all respects?

A. yes

Willie Brunall.

WITNESS TO MARK:

INDIAN TERRITORY,
WESTERN DISTRICT.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 22 day of Oct, 1907.

S. G. Pitts.
Notary Public.

GMW.

H-1526

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

I.T. 21515-1907.
File 033.

October 12, 1907.

Subject:
Creek freedmen rights of
Lucy Ann Turner, et al.

Commissioner to the Five Civilized Tribes,
Muskogee,
Indian Territory.

Sir:

The Office has received Departmental letter of the 8th instant concerning a request by counsel for Lucy Ann Turner, Maud Turner, Willie Turner, Florence Turner and Dixie Grimsell, claiming to be Creek freedmen, whose names have been stricken from the rolls, as is alleged without authority of law, that they make tentative selections of lands for allotment pending a final determination of their cases.

The Office is directed to advise you of the decision of the Department that these parties may make such tentative selection. Copy of the letter of the Department is enclosed.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

EMH-Y.

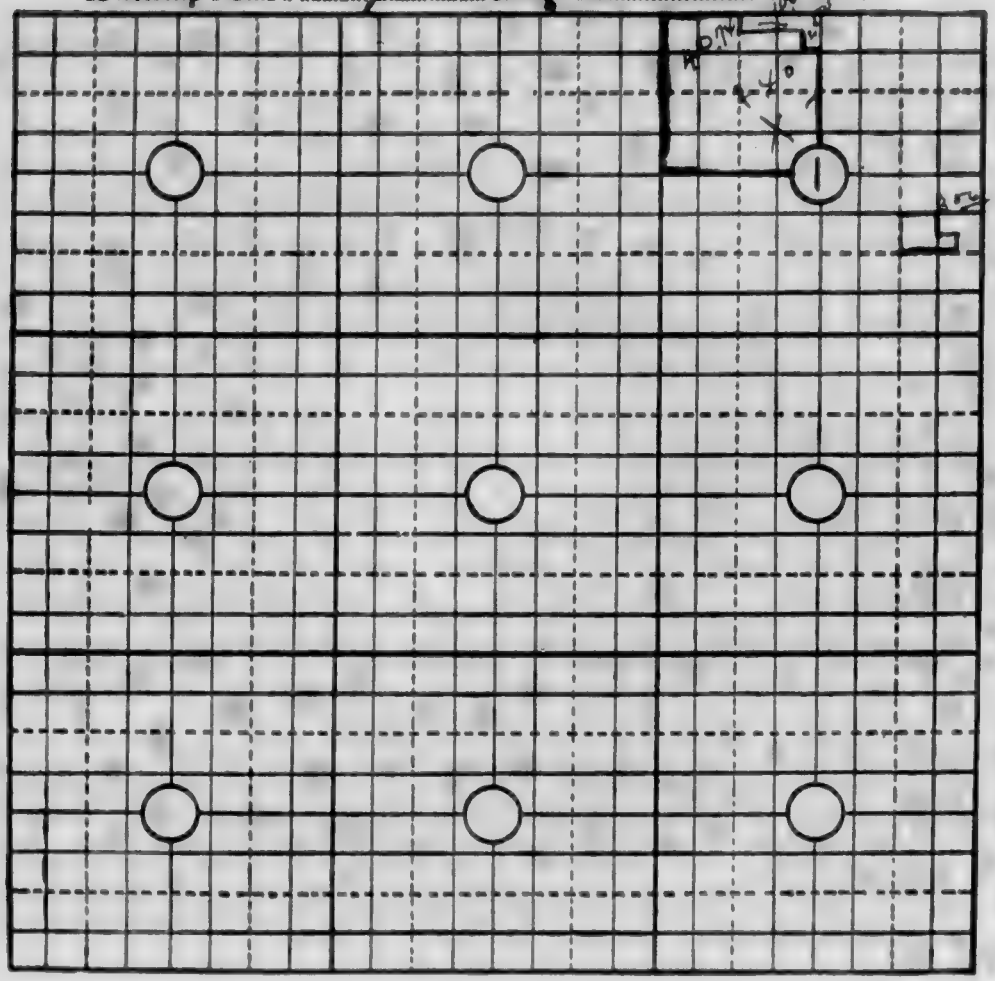
Florence

148.

DEPARTMENT OF THE INTERIOR.

Cree 16 Nation.

Township No. 17 Range No. 10



Department of the Interior

Creek Land Office.

Act of Congress, Approved March 1, 1901.
(31 Stat., L861)

MUSKOGEE, I. T., Oct 22 1907

IN THE MATTER OF THE APPLICATION OF Lucy Ann Turner
for Estelon
to take an allotment of land in the Creek Nation for Florence Turner
accompanied by ~~a certificate~~ Estelon application showing that the said
Application for ~~has been~~ duly enrolled as a citizen of said Nation.

Lucy Ann Turner being first duly sworn, testifies as follows:

Q. What is your name? A. Lucy Ann Turner

Q. What is your postoffice address? A. Wagoner I.T.

Q. For whom do you make application for allotment? A. Florence Turner

Q. Is she now living? A. Yes.

Q. How do you represent this person? A. Mother

Application is Made for the Following Described Land:

HOMESTEAD

ROLL	NO.	SUBDIVISION OF	SEC.	TWP	RNG	AREA ACRES	AREA 100	APPRAISED VAL. DOLLARS	APPRAISED VAL. CTS.	CERTIFICATE NO.
		SE¼ of NW¼ of	1	17	10	40		96		
		SW¼ of NW¼ of	1	17	10	40		96		
		Lot 4 of	1	17	10	40	74	97	28	
		120 ac of Lot 3 of	1	17	10	120		41		
		05.0 ac NW 10 acres of Lot 3	1	17	10	5		12		
		NW 2.50 ac of NE 10 acres of Lot 3	1	17	10	2	50	6		
		SW¼ of NE¼ of SE¼ of	1	17	10	10		30		
		SW¼ of NE¼ of NE¼ of SE¼ of	1	17	10	2	50	7	50	
						760	74	393	78	

Total appraised value.

Application is made for the following described land exclusive of homestead designated

Q. Have you been over and examined this land with a view to making application for it?
A. No, but I desire to accept the last of any husband.

Q. Are you fully informed as to the location of same and the character of the soil? A. ——

Q. Are there any improvements on any of the lands for which you apply? A. ——
Yes or No.

Q. Of what do the improvements consist? A. ——
If buildings, state whether house, barn or shed, etc.

Cultivated Land: State number of acres.

Fencing: State whether enclosing cultivated or pasture land.

Rec 7/1.

Q. Who is the owner of these improvements? A. —

If other improvements than owned by a person making application state

application that only the name of such owner. If only a part of the improvements are owned by such a person, state name of owner and describe the

particular tract on which such improvements are located, giving postoffice address of owner in each instance.

Q. Have you obtained permission of

Name of owner given in last answer.

to select the land on which improvements are located? A. —

Q. Does any one else claim these lands or any part of them? A. —

Q. Are there any churches, schools or court houses on these lands? A. —

If so give description of re-

serve subdivision on which located.

Q. Is that portion of the land designated as a homestead, suitable for a home? A. —

Q. Do you in behalf of Florence Turner

accept the above described land in allotment to Lee ? A.

Q. Do you make this application of your own free will and in good faith in all respects?

A. yes.

Lucy Ann Turner

WITNESS TO MARK:

INDIAN TERRITORY,
WESTERN DISTRICT.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 22

day of Oct , 1907.

Notary Public.

(-)
S.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

S.R.W.

H-1527
Oct 8-1907

Lucy Ann Turner and
Other Others.

The Commissioner of Indian Affairs.

Sir:

The Department is in receipt of inclosed letter of counsel for Lucy Ann Turner, Maud Turner, Willie Turner, Florence Turner, and Dixie Criswell claiming to be Creek freedmen, once duly enrolled, and to have been stricken from the rolls without authority of law. They ask to be allowed to make tentative selections of land to be allotted to them if their claim of invalidity of their striking from the roll is sustained by the courts, and it finally appear that they are entitled to the rights of Creek freedmen.

You will advise the Commissioner to the Five Civilized Tribes to permit them to make selection of land as tentative allotments, memoranda of which will be entered opposite the tract descriptions selected to indicate their selections, no certificate of allotment, however, to be issued until their claim of right to stand upon the rolls is favorably determined. The letter is herewith for your files.

Very respectfully,

(Signed) J.R.Garfield

Secretary.

Advise by copy Kappler & Merillat,
Washington, D. C.

GAW.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

I.T. 21212-1907.
File 063.

October 12, 1907.

Subject:
Creek freedman rights of
Lucy Ann Turner, et al.

Commissioner to the Five Civilized Tribes,
Muskogee,
Indian Territory.

Sir:

The Office has received Departmental letter of the 5th instant concerning a request by counsel for Lucy Ann Turner, Maud Turner, Willie Turner, Florence Turner and Dixie Griswell, claiming to be Creek freedmen, whose names have been stricken from the rolls, as is alleged without authority of law, that they make tentative selections of lands for allotment pending a final determination of their cases.

The Office is directed to advise you of the decision of the Department that these parties may make such tentative selection. Copy of the letter of the Department is enclosed.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

KRS-Y.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, October 22, 1907.
Creek Land Office.

In the matter of selecting allotments, tentatively, for Lucy Ann Turner, Maude Turner, Willie Turner, Florence Turner and Dixey Griswell, whose names appear on the partially approved roll of Creek Freedmen opposite Nos. 5650, 5651, 5653, 5654 and 5655 respectively, and whose names were stricken from the roll by the authority of the Department February 14, 1902, and a tentative application made under direction of the Secretary of the Interior (I.T.D. 81513-1907), Commissioner's No. 945.

PRESENT: S. C. Pitts,
Raphael Lowrey,
Dixey Griswell,
Lucy Ann Turner,
W. L. Turner.

Lucy Ann Turner, being first duly sworn by S. C. Pitts, a Notary Public within and for the Western District of Indian Territory, testifies as follows:

EXAMINED BY S. C. PITTS FOR THE COMMISSIONER:

Q What is your name? A Lucy Ann Turner.
Q What is your age? A 39.
Q What is your post office address? A Wagoner, I.T.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your husband? A Will Turner.
Q Is he a citizen of the Creek Nation? A No, sir.
Q What are the names of your children? A Dixey Griswell, Maude Turner, Anna Turner, Willie Turner and Florence Turner.
Q You have made a tentative application for these children, Maude, Willie and Florence? A Yes, sir.
Q Do you understand that this application which you have made is a tentative application pending your claim to the right to file in the Creek Nation? A Yes, sir.
Q Do you also understand that your name, which was on the approved roll of the Creek Nation, has been stricken therefrom?
A Yes, sir.
Q Are you willing to accept this as a tentative filing under these conditions? A Yes, sir.

You have designated as the homestead for yourself
The SW/4 of the NE/4 of section 1, township 17 north, range 10 east;
and for the allotment,
The SE/4 of the SE/4 of section 7, township 17 north, range 8 east; the SE/4 of the NE/4 of section 17, township 19 north, range 16 east and the SE/4 of the NE/4 of section 24, township 18 north, range 16 east;
For the homestead of Maude Turner,
Lot 3 of section 19, township 18 north, range 17 east;
and for the surplus,
The W 19.68 acres of lot 4; the SE 10 acres of lot 4; the SW 2.50 acres of the NE 10 acres of lot 4; lot 3; the S/2 of the S/2 of the NE/4 of the SW/4; the S/2 of the N/2 of the S/2 of the NE/4 of the SW/4; the S/2 of the

N/2 of the N/2 of the S/2 of the NE/4 of the SW/4 and the S/2 of the NE/4 of the NW/4 of the NE/4, and the NW/4 of the SE/4 of the NW/4 of the NE/4 of section 18; the W 19.24 acres of lot 8 and the W 5 acres of the E 20 acres of lot 9 of section 7, township 18 north, range 17 east;

For the homestead of Willie,
The NE/4 of the SW/4 of section 1, township 17 north, range 10 east;

and for the surplus,
The NW/4 of the SW/4 of section 1 and the S/2 of the NE/4 of section 2, township 17 north, range 10 east;

For the homestead of Florence Turner,
The SE/4 of the NW/4 of section 1, township 17 north, range 10 east;

and for the surplus,
The SW/4 of the NW/4; lot 4; the S 20 acres of lot 3; the S 5 acres of the NW 10.29 acres of lot 3; the SW 2.50 acres of the NW 10.25 acres of lot 3; the SW/4 of the NE/4 of the SE/4 and the SW/4 of the SE/4 of the NE/4 of the SE/4 of section 1, township 17 north, range 10 east.

Q Have you been over and examined this land? A My husband has.

Q You have made no attempt to examine it? A No, sir.

Q Do you desire to accept the testimony of your husband in the allotment of this land? A Yes, sir.

Q When did you decide to make this tentative application for your minor children? A Last week--last Friday.

Q Do you understand now that no certificates will be issued nor deeds prepared until the final determination of your case in the courts? A Yes, sir.

Q Do you make this application of your own free will and in good faith in all respects? A Yes, sir.

WITNESS EXCUSED.

Dixey Griswell, being first duly sworn by S. C. Pitts, a Notary Public within and for the Western District of Indian Territory, testifies as follows:

Q What is your name? A Dixey Griswell.
Q What is your age? A 18.
Q What is your post office address? A Wagoner.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your mother? A Lucy Ann Turner.
Q What is the name of your father? A Albert Griswell.
Q Is he living? A No, sir; he is dead.
Q What is the name of your stepfather? A Will Turner.
You have indicated for you homestead
The SE/4 of the SW/4 of section 1, township 17 north, range 10 east;
and for the surplus
The E/2 of the NE/4 and the NE/4 of the NW/4 of the NE/4 of section 11, township 17 north, range 10 east; the W 7.64 acres of the W 27.64 acres of lot 7 and the W 7.63 acres of the W 27.63 acres of lot 10 of section 5;

the W 7.63 acres of the W 37.63 acres of lot 1 and the W 7.64 acres of the W 37.64 acres of lot 4 of section 8, township 7 north and range 8 east/

Q Have you been over and examined this land? A My stepfather has.

Q Do you understand that this is only a tentative filing pending a final determination of the case in the United States Court in the District of Columbia? A Yes, sir.

Q Do you desire to accept the testimony of Will Turner, your stepfather, in behalf of your allotment? A Yes, sir.

Q When did you decide to make this tentative application?

A Last week.

Q Do you understand that no certificates will be issued nor deeds prepared for this land until the final determination of your case in the courts? A Yes, sir.

Q Do you make this application of your own free will and in good faith in all respects? A Yes, sir.

WITNESS EXCUSED.

W. L. Turner, being first duly sworn by S. C. Pitts, a Notary Public within and for the Western District of Indian Territory, testifies as follows:

Q What is your name? A W. L. Turner.

Q What is your age? A I am about 49.

Q What is your post office address? A Wagoner.

Q Are you a citizen of the Creek Nation? A No, sir.

Q What is the name of your wife? A Lucy Ann Turner.

Q Is she a citizen of the Creek Nation? A Yes, sir.

Q Do you understand that her name has been stricken from the roll and her case is now pening in the United States Court in the District of Columbia? A Yes, sir.

Q What are the names of her children? A Dixey Griswell, Maude Turner, Anna Turner, Willie Turner and Florence Turner.

Q You have heard the testimony which your wife has given relative to the filing for herself, Maude, Willie and Florence Turner, and also the testimony of your stepdaughter, Dixey Griswell? A Yes, sir.

Q Are you familiar with the land which has been indicated as that filed for the minor children? A Yes, sir.

Q Did you go over and examine all of this land yourself?

A Yes, sir.

Q When did you examine this land? A I went Saturday, Sunday and Monday.

Q Does anyone else claim this land? A No, sir.

Q Are you fully informed as to the location of the same and the character of the soil? A Well, pretty well.

Q Are there any schools, churches or court houses on this land? A No, sir.

Q Is the land designated for homes suitable for homes?

A Yes, sir, I think so.

Q Will you as the father of these minor children accept this as as tentative filing for your minor children? A Yes, sir.

Q. Do you understand that no certificates will be issued or deeds prepared for any of the lands which your wife has indicated for herself and minor children [illegible] the land which Dinsy Griswold has indicated for herself? A Yes, sir.

Q. Do you make this application of your own free will and in good faith in all respects? A Yes, sir.

WITNESS EXCUSED.

Raphael Lowrey, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes taken in said cause on October 22, 1907.

Raphael Lowrey

Subscribed and sworn to before me this 22nd day of October, 1907.

D. C. Pitts
Notary Public.

CORRECT: D. C. Pitts

Clerk in Charge, Creek Land Office.

_____________________________, 1907.

Commissioner.

148.

DEPARTMENT OF THE INTERIOR.

Maud

Creek Nation.

24.24
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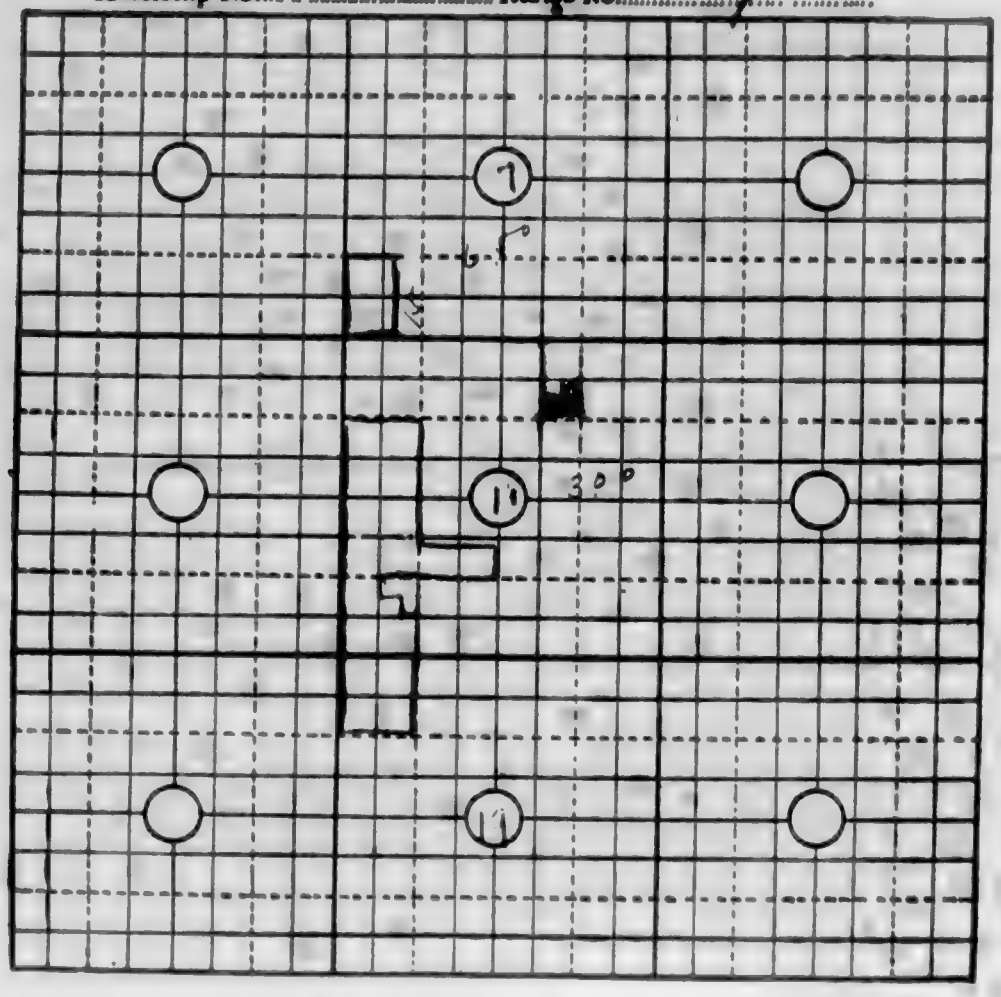
17.50
32.18
39.70
153.14
3 2

Township No. 18 Range No. 17



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39.12
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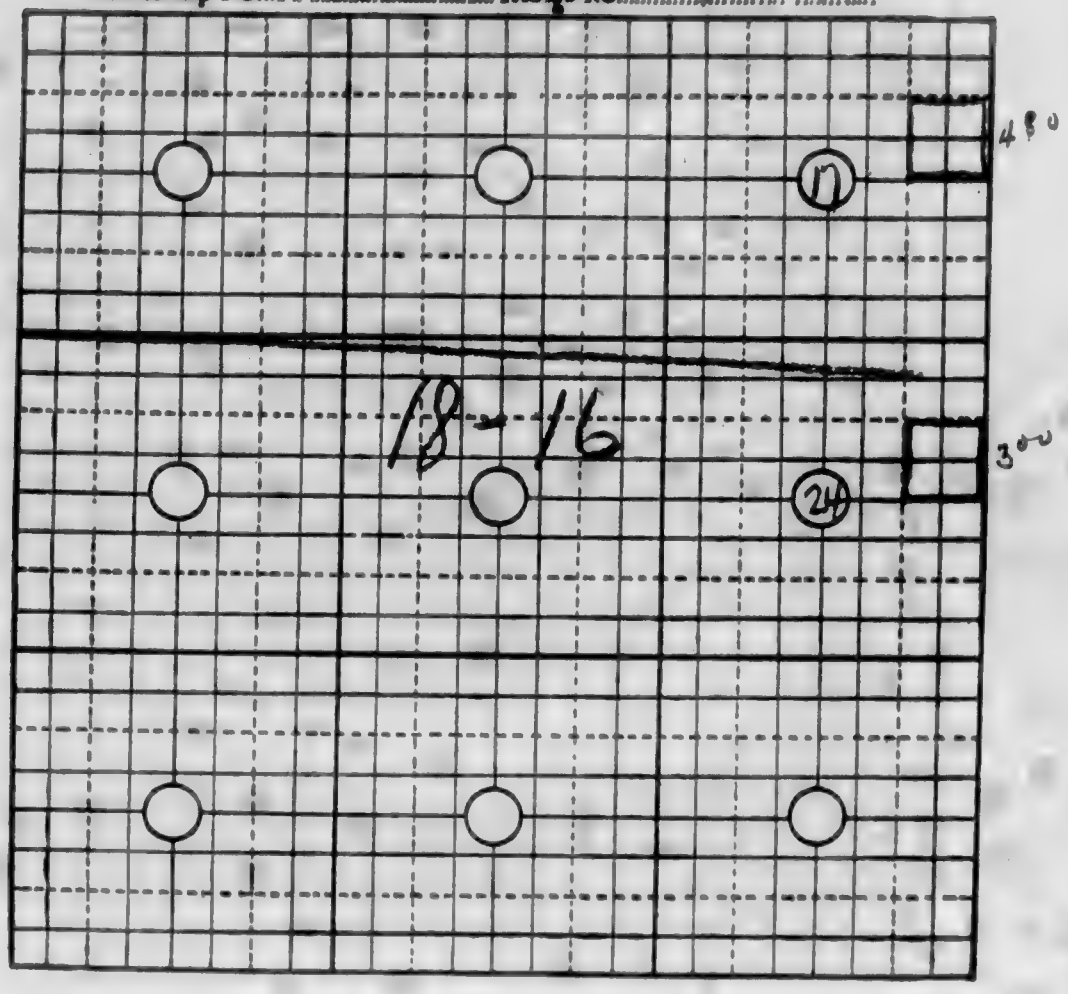
L.A.J

148.

DEPARTMENT OF THE INTERIOR.

Cree 16 Nation.

Township No. 19 Range No. 16



Department of the Interior

Creek Land Office.

Act of Congress, Approved March 1, 1901.

(31 Stat., L. 861)

MUSKOGEE, I. T., Oct 22 1907

IN THE MATTER OF THE APPLICATION OF Lucy Ann Turner

to take an allotment of land in the Creek Nation for Maude Turner

accompanied by a certificate showing that the said Maude Turner

~~has been duly~~ enrolled as a citizen of said Nation.

Lucy Ann Turner being first duly sworn, testifies as follows:

Q. What is your name? A. Lucy Ann Turner

Q. What is your postoffice address? A. Wagoner

Q. For whom do you make application for allotment? A. Maude Turner

Q. Is ~~she~~ he now living? A. yes

Q. How do you represent this person? A. Mother

Application is Made for the Following Described Land:

HOMESTEAD

ROLL	NO.	SUBDIVISION OF	SEC.	TWP	RNG	AREA ACRES	AREA 100	APPRAISED VAL. DOLLARS	APPRAISED VAL. CTS.	CERTIFICATE NO.
		Lot 3 3rd	17	18	17	39	70	119	10	
		— — — — —								
		W 19.68 ac of Lot 4 of 3rd	18	18	17	19	68	59	04	
		SE 10 ac of Lot 4 of 3rd	18	18	17	10		30		
		SW 2.50 ac of NE 10 ac of Lot 3 3rd	18	18	17	2	50	7	50	
		Lot 3 of 3rd	18	18	17	39	72	118	56	
		SE of SE of NE of 10 ac 2nd	18	18	17	10		30		
		SE of NW of SE of NE of 5 ac 2nd	18	18	17	5		15		
		NE of NE of NW of SE of NE of 2.50 ac 2nd	18	18	17	2	50	7	50	
		NW of SW of NW of NE of 5 ac 2nd	18	18	17	5		15		
		NE of SE of NW of NE of 2.50 ac 2nd	18	18	17	2	50	7	50	
		W 19.24 ac of Lot 4 4th	7	18	17	19	24	125	06	
		W 5 ac of E 10 ac of Lot 4 4th	2	18	17	5		32	50	
						160.64		566	76	

Total appraised value.

Application is made for the following described land exclusive of homestead designated

Q. Have you been over and examined this land with a view to making application for it?

A. No. but I desire to accept that of my husband

Q. Are you fully informed as to the location of same and the character of the soil? A. —

Q. Are there any improvements on any of the lands for which you apply? A. —

Yes or No.

Q. Of what do the improvements consist? A. —

If buildings, state whether house, barn or shed, etc.

Cultivated Land: State number of acres.

Pasture: State whether inclosing cultivated or pasture land.

RCTM.

Q. Who is the owner of [illegible]

[illegible] application state only the name of such owner. If any [illegible] are owned by such a person, this must be carefully noted, as [illegible] particularly those on which such improvements are located, giving particular attention of owner in each instance.

Q. Have you obtained permission of [illegible] Name of owner given in full above.

Q. Does any one else claim these lands or any part of them? A. ——

Q. Are there any churches, schools or court houses on these lands? A. —— If so give description of the same subdivision on which located.

Q. Is that portion of the land designated as a homestead, suitable for a home? A. ——

Q. Do you in behalf of Maude Turner accept the above described land in allotment to her? A. yes

Q. Do you make this application of your own free will and in good faith in all respects?

A. yes

WITNESS TO MARK:

INDIAN TERRITORY,
WESTERN DISTRICT.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 22 day of Oct. 1907.

S. C. Pitts
Notary Public.

E.B.-

DEPARTMENT OF THE INTERIOR,
Washington.

J.R.W.

Oct 5-1897

H 1528

Lucy Ann Turner and
four others.

The Commissioner of Indian Affairs.

Sir:

The Department is in receipt of inclosed letter of counsel for Lucy Ann Turner, Maud Turner, Willie Turner, Florence Turner, and Dixie Grisswell claiming to be Creek freedmen, once duly enrolled, and to have been stricken from the rolls without authority of law. They ask to be allowed to make tentative selections of land to be allotted to them if their claim of invalidity of their striking from the roll is sustained by the courts, and it finally appear that they are entitled to the rights of Creek freedmen.

You will advise the Commissioner to the Five Civilized Tribes to permit them to make selection of land as tentative allotments, memoranda of which will be entered opposite the tract descriptions selected to indicate their selections, no certificate of allotment, however, to be issued until their claim of right to stand upon the rolls is favorably determined. The letter is herewith for your files.

Very respectfully,

(Signed) J.R.Garfield

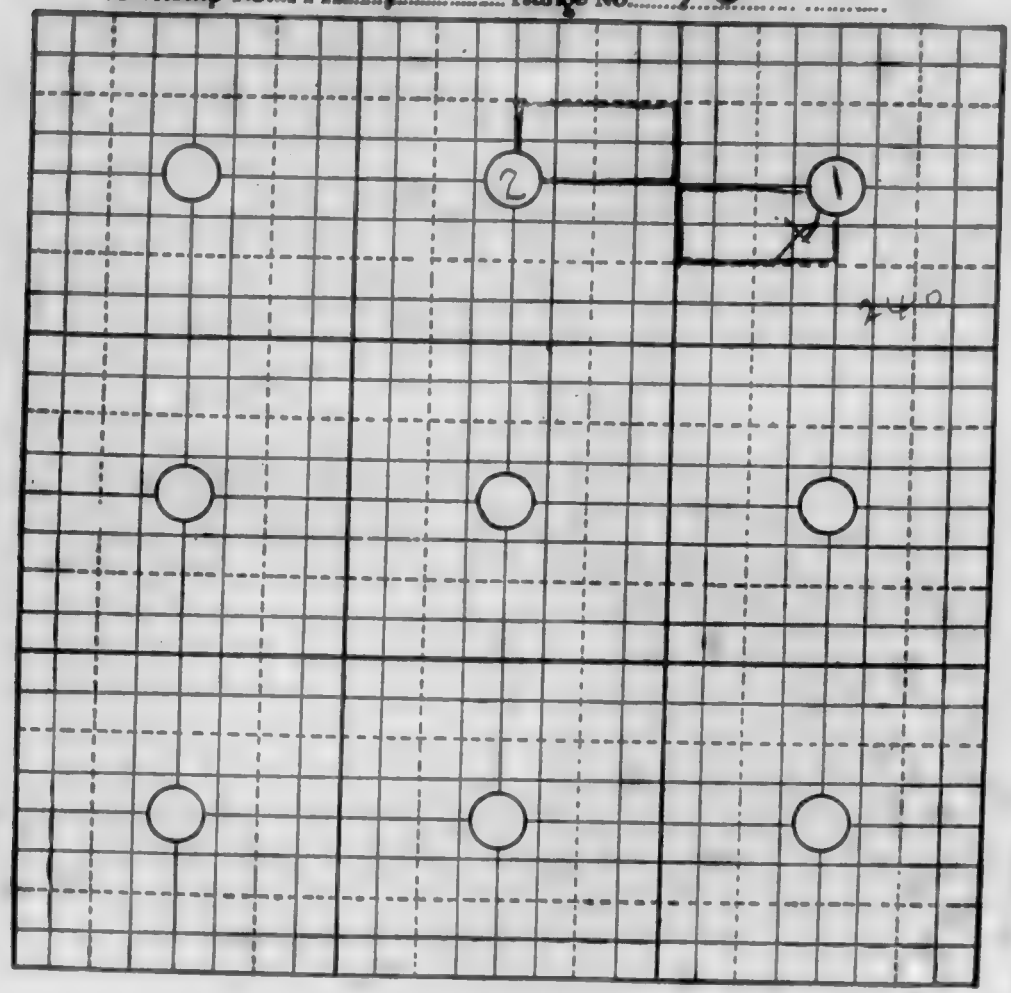
Secretary.

Advise by copy Kappler & Morillat,
Washington, D. C.

DEPARTMENT OF THE INTERIOR.

Creek Nation. William

Township No. 17 Range No. 10



Department of the Interior

Creek Land Office.

Act of Congress, Approved March 1, 1901.
(31 Stat., 1861)

MUSKOGEE, I. T., Oct 22 1907

IN THE MATTER OF THE APPLICATION OF Lucy Ann Turner to take an allotment of land in the Creek Nation for Willie Turner accompanied by a tentative application ~~certificate~~ showing that the said Willie Turner ~~application~~ has been duly enrolled as a citizen of said Nation.

Lucy Ann Turner being first duly sworn, testifies as follows:

Q. What is your name? A. Lucy Ann Turner

Q. What is your postoffice address? A. Wagoner

Q. For whom do you make application for allotment? A. Willie Turner

Q. Is he now living? A. Yes.

Q. How do you represent this person? A. Mother

Application is Made for the Following Described Land:

HOMESTEAD

ROLL	NO.	SUBDIVISION OF	SEC.	TWP	RGE	AREA ACRES	AREA 100	APPRAISED VAL. DOLLARS	APPRAISED VAL. CTS.	CERTIFICATE NO.
		NE¼ of SW¼ of (24°)	1	17	10	40		96		
		NW¼ of SW¼ of (24°)	1	17	10	40		96		
		S½ of NE¼ of (24°)	2	17	10	80		192		
						160.		384		

Application is made for the following described land exclusive of homestead designated

Total appraised value.

Q. Have you been over and examined this land with a view to making application for it? A. No, but I desire to accept the last of my husband

Q. Are you fully informed as to the location of same and the character of the soil? A. ——

Q. Are there any improvements on any of the lands for which you apply? A. ——

Q. Of what do the improvements consist? A. ——

Tim or Ins.

If buildings, state whether houses, barns or sheds, etc.

Cultivated Land: State number of acres.

Pasture: State whether containing cultivated or pasture land.

1071.

Q. How you obtained possession of

Q. Does any one else claim these lands or any part of them? A. —

Q. Are there any churches, schools or court houses on these lands? A. — If so give description of so-

mere subdivision on which located.

Q. Is that portion of the land designated as a homestead, suitable for a home? A. —

Q. Do you in behalf of Willie Turner

accept the above described land in allotment to Him? A. yes

Q. Do you make this application of your own free will and in good faith in all respects?

A. yes.

Lucy Anna Turner

WITNESS TO MARK:

HOMES

INDIAN TERRITORY,
WESTERN DISTRICT.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 22

day of Oct , 1907.

J. C. Pitts

Notary Public.

H 152

L.S. DEPARTMENT OF THE INTERIOR, J.M.V.

D.

OCT 5, 1907

Office of Indian Affairs

Lucy Ann Turner and Received OCT 8-1907 File 81513

four others.

The Commissioner of Indian Affairs.

Sir:

The Department is in receipt of inclosed letter of counsle for Lucy Ann Turner, Maud Turner, Willie Turner, Florence Turner, and Dixie Griswell claiming to be Creek freedmen, once duly enrolled, and to have been stricken from the rolls without authority of law. They ask to be allowed to make tentative selections of land to be allotted to them if their claim of invalidity of their striking from the roll is sustained by the courts, and it finally appear that they are entitled to the rights of Creek freedmen.

You will advise the Commissioner to the Five Civilized Tribes to permit them to make selection of land as tentative allotments, memoranda of which will be entered opposite the tract descriptions selected to indicate their selections, no certificate of allotment, however, to be issued until their claim of right to stand upon the rolls is favorably determined. The letter is herewith for your files.

Very respectfully,

(Signed) J.R.Garfield

Secretary.

Advise by copy Kappler & Merillat, Washington, D. C.

946

DEPARTMENT OF THE INTERIOR, CAW
OFFICE OF INDIAN AFFAIRS,
I.T. 81813-1907. WASHINGTON.

File 053.
Subject:
Creek freedman rights of
Lucy Ann Turner, et al.

October 12, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Office has received Departmental letter of the 5th instant concerning a request by counsel for Lucy Ann Turner, Maud Turner, Willie Turner, Florence Turner and Dixie Griswell, claiming to be Creek freedmen, whose names have been stricken from the rolls, as is alleged without authority of law, that they make tentative selections of lands for allotment pending a final determination of their cases.

The Office is directed to advise you of the decision of the Department that these parties may make such tentative selection. Copy of the letter of the Department is enclosed.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

EBH-Y.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, IND. TER. October 8th, 1907.

In the matter of selecting allotment tentatively for Anna Turner, whose name appears upon the partial approved roll of Creek freedmen opposite number 3665, and whose name was stricken from the roll by authority of the Department on February 14, 1907, and a tentative application made on the direction of the Secretary of the Interior (2.T.D.8151-1907) Commissioner's number D 945.

PRESENT: S. C. Pitts, Mattie M. Pace, Anna Turner and William L. Turner.

Anna Turner, being first duly sworn by S. C. Pitts, notary public for the Western District of Indian Territory, testified as follows.

Examination by S. C. Pitts for the Commissioner:

Q What is your name? A Anna Turner.
Q What is your age? A 17.
Q What is your postoffice address? A Wagoner, I. T.
Q Are you a citizen of the Creek Nation? A I am.
Q What is the name of your mother? A Lucy Ann Turner.
Q What is the name of your father? A Will L. Turner.
Q Is he a citizen of the Creek Nation? A No my mother is.
Q You have made application for the selection of your homestead in the Creek Nation, the S W 1/4 of the S W 1/4 of Section 3, Township 17 N. and Range 10, and for your allotment, the N W 1/4 of the N W 1/4 of the N E 1/4 of Section 11, and the S E 1/4 of the N W 1/4 of the N E 1/4 of Section 11, and the N 1/2 of the S W 1/4 of the N W 1/4 and the N 1/2 of the S 1/2 of the S W 1/4 of the N W 1/4 and the N 1/2 of the N 1/2 of the S 1/2 of the S 1/2 of the S W 1/4 of the N W 1/4 and the W 1/2 of the S E 1/4 of the N W 1/4 and the W 1/2 of the W 1/2 of the S E 1/4 of the S E 1/4 of the N W 1/4 and the W 1/2 of the N E 1/4 of the S E 1/4 of the N W 1/4 and the N E 1/4 of the N W 1/4 of Section 12, Township 17 N. and Range 10 E. Have you been over and examined this land? A No, my father did.
Q Do you desire to accept the testimony of your father as to this land? A Yes sir.
Q When did you decide to make application for the land which you have designated? A To-day.
Q Do you make this application of your own free will in good faith in all respects? A Yes sir.
Q Do you understand this application which you have made be considered only as a tentative application pending the decision of your citizenship in the United States Court of the District of Columbia? A Yes sir.

-------oooooOOOOOooooo-------

William L. Turner, being first duly sworn by S. C. Pitts, testified as follows:

Q What is your name? A Willie L. Turner.
Q What is your age? A 49.

Anna Turner [illegible]

Q [illegible] A Wagoner.
Q [illegible] Yes sir.
Q [illegible] Turner.
Q [illegible] Yes sir.
Q [illegible] Anna Turner? A Yes sir.
Q Have you heard the testimony [illegible] A Yes sir.
Q Have you been over [illegible] and has designated for a homestead and allotment? A Yes sir, I have.
Q Are you fully informed as to the location and character of the same? A Yes sir.
Q Are there any improvements on any of this land? A No sir.
Q Does anyone else claim this land? A No sir, not that I knows of.
Q Is the land which she has designated for a homestead, suitable for a home? A Yes sir.
Q Are there any schools, churches or court houses on this land A No sir.
Q Do you understand in giving this testimony it is only a tentative allotment for your daughter, Anna Turner, pending the decision of the United States Court of the District of Columbia? A Yes sir.
Q Do you give this testimony of your own free will in good faith in all respects? A Yes sir.

Mattie M. Pace, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and complete transcript of her stenographic notes thereof.

Mattie M. Pace

Subscribed and sworn to before me this 29th day of October, 1907.

A G Pitts
Notary Public.

Correct_____

Clerk in Charge Creek Land Office.

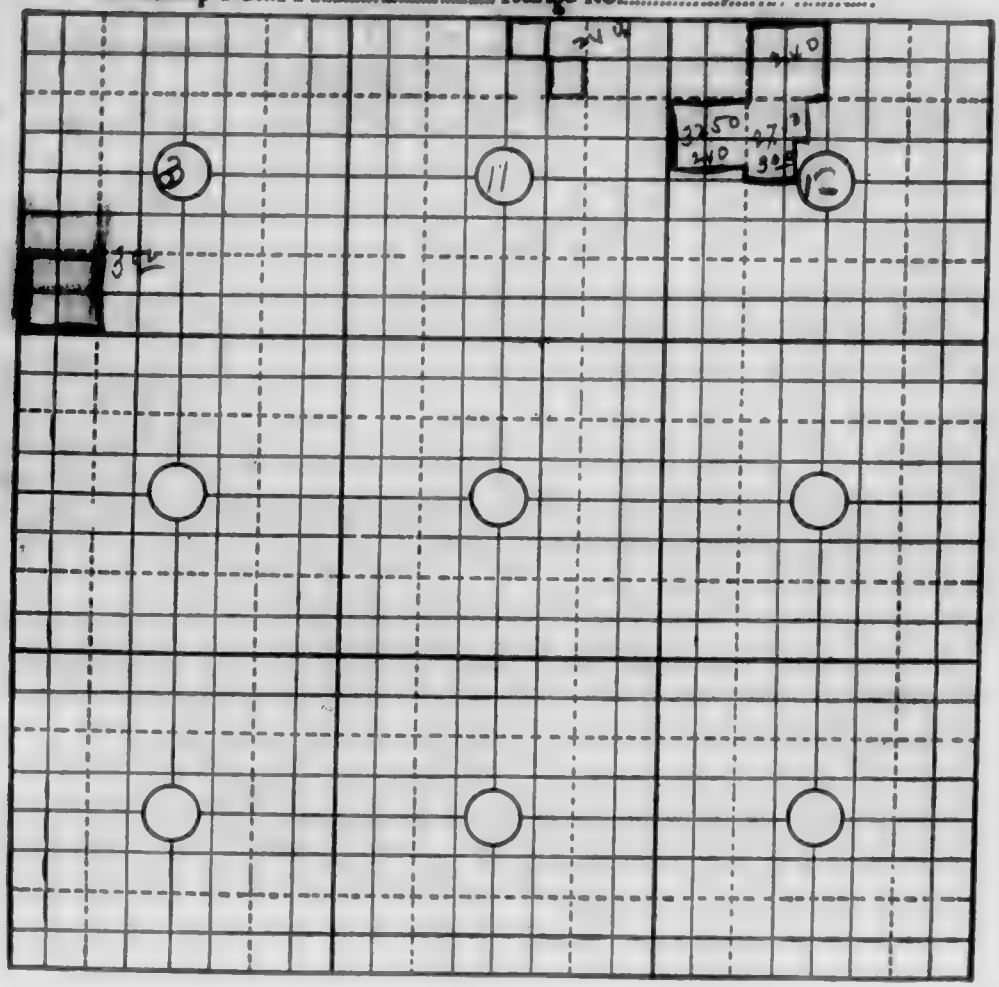
Approved_____

_____
Commissioner.

DEPARTMENT OF THE INTERIOR.

Creek Nation.

Township No. 17 Range No. 10



Department of the Interior

Creek Land Office.

Act of Congress, Approved March 1, 1901.
(31 Stat., 1861)

MUSKOGEE, I. T., Oct 29 1907

IN THE MATTER OF THE APPLICATION OF Anna Turner
to take an allotment of land in the Creek Nation for My self
accompanied by a certificate showing that the said Anna Turner
has been duly enrolled as a citizen of said Nation.

Anna Turner being first duly sworn, testifies as follows:

Q. What is your name? A. Anna Turner

Q. What is your postoffice address? A. Wagoner I T

Q. For whom do you make application for allotment? A. My self

Q. Is ..... he now living? A. —

Q. How do you represent this person? A. —

Application is Made for the Following Described Land:

HOMESTEAD ROLL	NO.	SUBDIVISION OF	SEC.	TWP	RGE	AREA ACRES	AREA 100s	APPRAISED VAL. DOLLARS	APPRAISED VAL. CTS.	CERTIFICATE NO.
		N½ of NE¼ of 306	3	17	10	80		120		
		NW¼ of NW¼ of NE¼ of 240	11	17	10	10		24		
		SE¼ of NW¼ of NE¼ of 240	11	17	10	10		24		
		N½ of NW¼ of NW¼ of 240	12	17	10	20		48		
		N½ of SE¼ of NW¼ of NW¼ of 240	12	17	10	10		24		
		N½ of S½ of SE¼ of SE¼ of NW¼ of NW¼ of 240	12	17	10	2	50	6		
		N½ of SE¼ of SE¼ of SE¼ of NW¼ of NW¼ of 240	12	17	10	20		60		
		N½ of W½ of SE¼ of SE¼ of SE¼ of NW¼ of 240	12	17	10	2	50	7	50	
		N½ of NE¼ of SE¼ of SE¼ of NW¼ of 240	12	17	10	5		15		
		NE¼ of NW¼ 240	12	17	10	40		96		
		Total appraised value				160		424	50	

Application is made for the following described land exclusive of homestead designated.

Q. Have you been over and examined this land with a view to making application for it?
A. No but I desire to accept the best of my selection

Q. Are you fully informed as to the location of same and the character of the soil? A. —

Q. Are there any improvements on any of the lands for which you apply? A. —
Yes or No.

Q. Of what do the improvements consist? A. —
If buildings, state whether house, barn or shed, etc.

Cultivated Land: State number of acres.

Buildings: State whether containing cultivated or pasture land.

Q. Who is the owner of these improvements? A. —

If all the improvements concerned by a person not a party to this application state only the name of such owner. If only a part of the improvements are owned by such a person, state name of owner and describe the particular tract on which such improvements are located, giving postoffice address of owner in each instance.

Q. Have you obtained permission of

Name of owner given in last answer.

to select the land on which improvements are located? A. —

Q. Does any one else claim these lands or any part of them? A. —

Q. Are there any churches, schools or court houses on these lands? A. —

If so give description of the same subdivision on which located.

Q. Is that portion of the land designated as a homestead, suitable for a home? A. —

Q. Do you ~~in behalf of~~

accept the above described land in allotment to you? A. yes

Q. Do you make this application of your own free will and in good faith in all respects?

A. yes

WITNESS TO MARK: — Anna Turner

INDIAN TERRITORY,
WESTERN DISTRICT.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 29 day of Oct, 1907.

D. C. Pitts
Notary Public.

CK EN 532

CK EN 532

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., July 2, 1904.

Exhibit 7a

In re ENR No. 109.

In the matter of the application for the enrollment of Yancy McFarland as a citizen by blood of the Creek Nation.

Mary Smith, being first duly sworn, testified as follows, through Lewis McGilbrey, interpreter:

By the Commission,

Q What is your name? A Mary.
Q Mary what? A Smith.
Q What is your age? A She don't know.
Q How old do you say you are? A Twenty-two or three.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Okfuskee.
Q Okfuskee Canadian? A Yes, sir.
Q Did you have a child named Yancy McFarland? A Yes, sir.
Q Is that child living? A Yes, sir.
Q When was Yancy McFarland born? A September.
Q What year? A 1903.
Q How old is he? A Ain't two years old yet.
Q Did you execute an affidavit in the matter of the birth of Yancy McFarland? A No, sir.
Q Did you make a record of the date of the birth of Yancy McFarland?
A She did but it is misplaced somewhere and she could not find it.
Q Are you positive of the date of the birth? A Yes, sir.
Q What month did you say it was born? A September.
Q Is it a girl or a boy? A A boy.
Q What year did you say it was born? A 1903.
Q That would not make him a year old yet. Is that correct?
A She don't know.
Q Is he a year old? A He is nearly two years old.
Q Is he less than two years old? A She don't know. He will be two years old in September.
Q If an affidavit was filed stating that Yancy McFarland was born in 1901, is that correct? Is that affidavit correct? A She don't know whether it would be or not. Don't know who ever got that up.
Q If an affidavit was filed giving the date of the birth of Yancy McFarland so that it would make him now over three years of age, would that be correct or a mistake? A She says it is bound to be a mistake for he is not three years old.
Q He is not two then? A No, sir, he is not. He will be two in September.

Jim Asbury, being first duly sworn, testified as follows:

Q What is your name? A They call him Jim, he says.
Q Jim what? A Asbury.
Q What is your age? A Says he is not able to answer that.

(Witness appears to be at least forty-five.)

S. E. A. NEW No. 109, continued.

Q What is your postoffice address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tuskegee.
Q Do you know Mary Smith? A Yes, sir.
Q Is she your daughter? A Is said to be.
Q Do you know a child of hers named Yancy McFarland? A Yes, sir, it is right at his house.
Q How old is Yancy McFarland? A He don't think he is hardly two years old.
Q Is that your best judgment of it? A Yes, sir.

Mary Smith, recalled, testified as follows:

Q Who is the father of Yancy McFarland? A Jim McFarland.
Q Is he a citizen of the Creek Nation? A No, sir.
Q Is he a citizen of any Indian tribe? A She don't know.
Q Is he living? A No, sir.

Retta Chick Hinkle, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings in the above entitled cause, and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Retta Chick Hinkle

Subscribed and sworn to before me this 18th day of July, 1904.

(Seal)

Oliver O. Hinkle.
Notary Public.

109 1

IN RE

Application for Enrollment of

INFANT CHILD

Yancy McFarland

as a citizen of the

Creek *Nation.*

Approved _____ *190*__

_____

Commissioner.

Father U.S. Citizen, Dead
Mother on Cr. Card # 2073

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Jan 30 1903
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation
of Yancy McFarland, born on the 9 day of April, 1901.
(Here give full name of child.)
Name of Father: James McFarland, a citizen of the U. S ~~Nation~~.
Name of Mother: Mary Asbury, a citizen of the Creek Nation.
Post Office: Eufaula I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Mary Asbury, on oath state that I am 21 years of age and a citizen, by blood, of the Creek Nation; that I am the ~~lawful~~ wife of James McFarland, who is a citizen, by ——, of the U. S ~~Nation~~, that a male child was born to me on the 9th day of April 1901; that said child has been named Yancy McFarland, and is now living.
(Male or female.)

Mary Asbury

WITNESSES TO MARK:
(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 day of January 1903

Thos. F. Mooney
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
—— District.

I, Midwife, a ——, on oath state that I attended on Mrs. Labor who, wife of ——, on the —— day of —— Child, 190—; that there was born to her on said date a —— child; that said child is now living and is said to have been
(Male or female.)
named Yancy McFarland.

WITNESSES TO MARK:
(Must be Two Witnesses.)

Subscribed and sworn to before me this —— day of —— 190—.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Yancy McFarland as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on July 2, 1904, Mary Smith appeared before the Commission at Checotah, Indian Territory, and made application for the enrollment of her minor child, Yancy McFarland, as a citizen by blood of the Creek Nation.

The evidence shows that said Yancy McFarland was born subsequent to May 25, 1901.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Yancy McFarland as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,
INDIAN TERRITORY

OCT 1 [illegible]

789

20

IN RE

Application for Enrollment of

INFANT CHILD

Yancy McFarland

as a citizen of

Cherokee Nation.

Approved ..... 190.....

.....

Commissoner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
July 20 - 1903

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Yancy McFarland, born on the 9 day of April, 1901

(Here insert name of child)

Name of Father: James McFarland a citizen of the U. S. Nation.

Name of Mother: Mary Asbury a citizen of the Creek Nation.

Post-office Eufaula, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Macon District.

I, Mary Asbury, on oath state that I am 21 years of age and a citizen, by Blood, of the Creek Nation; that I am the ~~lawful~~ wife of James McFarland, who is a citizen, by ——, of the U. S. ~~Nation,~~ that a male (Male or female) child was born to me on 9th day of April, 1901; that said child has been named Yancy McFarland, and is now living.

WITNESSES TO MARK: Mary Asbury

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 — day of January, 1903

Thos. F. Turner

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Midwife who attended said birth, a ——, on oath state that I attended on Mrs. Yancy child, wife of ——, on the —— day of ——, 1901; that there was born to her on said date a (MALE OR FEMALE) child; that said child is now living and is said to have been named ——

now dead.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this —— day of ——, 1903

NOTARY PUBLIC.

No. 532

Muskogee, Indian Territory, October 17, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Yancy McFarland as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

HGH-14-10-17

M. 988

Muskogee, Indian Territory, October 17, 1910.

Mary Sutton,

[redacted], Rural Route Four,

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Fanny McFarland as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the [illegible] is this day transmitted to the Secretary of the Interior for his [illegible] and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register.

HGH-15-10-17

Cr. En. 252

Muskogee, Indian Territory, November 14, 1904.

Mary Smith,

Eufaula, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of November 4, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying your application for the enrollment of Yancy McFarland as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Register.

W. M. 333

Muskogee, Indian Territory, November 14, 1904.

W. L. Reid,

Supervisor for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 4, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of Yancy McFarland as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Department of the Interior,
RECEIVED.
OCT 29 1904
Enc. No. 3 of No. 1181
Indian Territory Division.

77899

CR EN 583

CR EN 583

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. July 8, 1904.

D.A.128.

In the matter of the application for the enrollment of John Stidham, deceased, as a citizen by blood of the Creek Nation.

APPEARANCE: M.L.Mott, attorney for Creek Nation.

Silla Anderson being duly sworn testified as follows, through Alex Posey, official interpreter:

Examination by the Commission:

Q What is your name? A Silla Anderson.
Q How old are you? A Thirty-four.
Q What is your post office address? A Sapulpa.
Q Do you make application for the enrollment of John Stidham as a citizen by blood of the Creek Nation? A Yes sir.
Q When was he born? A In October.
Q What year? A 1898.
Q Is he dead? A Yes sir.
Q How long did he live? A Probably two weeks, may be longer.
Q Do you know Eunene Grayson? A Yes sir.
Q Is Susan Thompson the mother of John Stidham? A Yes sir.
Q Susan Thompson is dead, is she? A Yes sir.
Q Was Eunene Grayson present when the child was born? A Yes sir.

An affidavit heretofore filed with the Commission relative to the birth and death of John Stidham is made part of the record herein.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 18th day of July, 1904.

Charles H. Sawyer
Notary Public.

W 2453

20

IN RE

Application for Enrollment of

INFANT CHILD

John Stidham

as a citizen of

Creek Nation.

Approved ..... 190.....

.....

Commissoner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
Filed May 15 - 1901

Chairman

Born Oct 1899
Dies 4 years after birth
not entitled.

COPY.

BIRTH AFFIDAVIT. 20 Creek Card 2453.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of John Stidham (Here insert name of child), born on the ... day of October, 1899

Name of Father: Charlie Stidham a citizen of the Seminole Nation.

Name of Mother: Susan Thompson a citizen of the Creek Nation.

Post-office Wells Car, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... District.

I, Susan Thompson, on oath state that I am 1899, years of age and a citizen, by ... 2453, of the ... Nation; that I am the lawful wife of ..., who is a citizen, by ..., of the ... Nation; that a ... child was (Male or female) born to me on Mother dies in October no Cards See ... day of ...; that said child has been named ..., and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) ...

Subscribed and sworn to before me this ... day of ... 190...

... NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Menene Grayson, a Midwife, on oath state that I attended on Mrs. Susan Thompson, ~~wife of~~ ... on the ... day of October, 1899; that there was born to her on said date a Male (MALE OR FEMALE) child; that said child ~~now living and~~ is said to have been named John Stidham, and died about four weeks after its birth.

her
Menene X Grayson
Mark

WITNESSES TO MARK:

(Must be Two Witnesses.) John G. Sieber

J. J. Beavers

Subscribed and sworn to before me this 15 day of May 1901.

at Okmulgee, I. T.

John G. Sieber
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

E.C.A.
8210

In the matter of the application for the enrollment of John Stidham, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N ,

The record in this case shows that on July 8, 1904, Silla Anderson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of John Stidham, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said John Stidham, deceased, was born in the month of October, 1899, and died about four weeks later.

It is therefore the opinion of the Commission that there is no authority of law for the enrollment of said John Stidham, deceased, as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should, therefore be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER

C. R. Breckinridge.
COMMISSIONER

DATED AT MUSKOGEE, I.T.

OCT 21 1904

No. 853

Muskogee, Indian Territory, October 17, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John Stidham, deceased, as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

HGH-11-10-17

No. 838

Muskogee, Indian Territory, October 17, 1904.

Silla Anderson,

Sapulpa, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John Stidham, deceased, as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register

HGH-12-10-17

Creek No. 650

Muskogee, Indian Territory, October 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of John Stidham, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Tams Bixby.

Chairman.

Through the Commissioner

of Indian Affairs.

HOR-13-10-17.

COPY

I.T.D. 11092-1904

DEPARTMENT OF THE INTERIOR,

Washington, November 2, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 17, 1904, you transmitted the record in the matter of the application for the enrollment of John Stidham, deceased, as a citizen by blood of the Creek Nation, including your decision of October 11, 1904, denying said application.

Reporting in the matter October 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

F.E. Campbell

Acting Secretary

1 inclosure

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land
74087-1904. Washington, October 28, 1904.

The Honorable,

Secretary of the Interior.

Sir:

In enclose herewith a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of t application of Silla Anderson for the enrollment as a citizen by blood of the Creek Nation, of John Stidham, deceased.

October 11, 1904, the Commission decided adversely to the application.

The record shows that John Stidham was born in the month of October, 1899, and died about four weeks later.

In view of the record, the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

A.C.Tonner,
Acting Commissioner.

MDH-W

En. 453.

Muskogee, Indian Territory, November 10, 1904.

Silla Anderson,

Sapulpa, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of November 2, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of John Stidham, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Register.

No. 838

Muskogee, Indian Territory, November 10, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 3, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of John Stidham, deceased, as a citizen of the Creek Nation by blood.

Respectfully,

Chairman.

875-1909

Muskogee, Oklahoma, April 6, 1909.

[redacted].
Status relative to
enrollment of Dixey
Griswell.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letters of February 25, 1909 and March 2, 1909, (File 5-51), requesting reports on certain persons, whose names were stricken, without prior notice, from the approved rolls of citizens of the Five Civilized Tribes, following the instructions in Departmental letter relative to Cherokee Cases of Charles F. Burgess and others, I have the honor to report relative to Dixey Griswell, a Creek Freedmen claimant, whose name appears opposite number 3655, on the roll of Creek Freedmen, approved June 16, 1906, as follows:

1. Dixey Griswell has not at any time been accorded tribal recognition by the Creek Nation. She claims however that her mother, Lucy Ann Turner, is the

daughter of one Mary Ann Grayson, deceased, whose name appears on the Dunn roll, opposite number 309.

2. On January 12, 1906, the Commissioner to the Five Civilized Tribes rendered his decision in Creek allotment Case No. 531, in the matter of the application for enrollment of Lucy Ann Turner, et al., granting the application for enrollment of said Dixey Griswell, as a Creek Freedman; and no protest having been filed by the Attorney for the Creek Nation within the time allowed, the Commissioner listed, on March 15, 1906, this applicant for enrollment on Creek Freedman Card No. 1852. On June 16, 1906, a partial schedule of Creek Freedmen having thereon the name of said Dixey Griswell, opposite number 5655, was approved by the Secretary of the Interior. On August 13, 1906, there was trahsmitted for Departmental consideration motion to reopen in the matter of the application for the enrollment of Lucy Ann Turner, et al., as Creek Freedmen, together with the report of the Commissioner in same. On August 22, 1906, the Commissioner heard further testimony in this case and on September 17, 1906, transmitted for Departmental consideration a

copy of transcript of testimony taken in this matter on said August 22, 1906, together with the recommendation of the Commissioner that authority be granted to strike from the approved roll of Creek Freedmen, the names of all the applicants in the case of Lucy Ann Turner, et al., and on February 14, 1907, said names were so stricken by authority of the Department.

3. No action as to this claimant's right to recognition as a citizen of the Creek Nation was ever had under the Act of June 10, 1896, either by the Commission to the Five Civilized Tribes or by the United States Courts.

4. See report in No. 3, above.

5. No certificates of allotment or patents were issued; however on October 23, 1907, said Dizzy Criswell was allowed to select a tentative allotment, by direction of the Department, (I.T.D.31513-1907, File-053).

6. On August 22, 1906, the date on which the testimony above referred to was taken, in the matter of the right to enrollment of Lucy Ann Turner, et al., the

Creek Nation was represented by Counsel, J. B. Campbell and W. D. Halfhill, of Muskogee, were the Attorneys of record for applicants, and an attempt was made, over the 'phone, to secure the attendance of said Attorneys at this hearing, but they could not be found. The Attorney, representing the Creek Nation, called in person at the office of W. D. Halfhill and was informed that Mr. Halfhill was sick. Applicants, therefore, were not represented at said hearing. However it can be authoritatively stated that Counsel for applicants had full knowledge of what was testified to on the date of said hearing, on August 22, 1906, and had ample opportunity to introduce any testimony they might see proper to introduce long prior to the date of the action of the Department directing the striking from the rolls the names of said applicants. John G. Lieber, representing the Attorney for the Creek Nation at the time of the hearing of this case, personally saw Mr. J. B. Campbell, of counsel for applicants, [illegible] subsequent to such hearing and informed him of the action taken. Henry C. Mains, clerk in charge of the Creek Enrollment Division, at the time, personally submitted the complete record in

Secretary—6

this matter, just subsequent to the transcribing of the testimony and long prior to the date of Departmental action striking said names from the approved roll, to W. D. Halfhill, of counsel for applicants, for examination. Edward Merrick, law clerk in the Creek enrollment division at the time, remembers distinctly that Mr. Halfhill, a few days after this hearing, requested of the Creek enrollment division permission to examine the record in this case, and such permission was granted. Edward Merrick also personally saw Mr. J. P. Campbell within a short time subsequent to such hearing and informed him (Campbell) of the nature of the testimony submitted on the part of the Creek nation. Both Mr. Mains and Mr. Merrick are of the opinion that a copy of the testimony taken was given to Mr. Halfhill at the time he examined this record, but no written evidence of such fact can be found with the files in this case.

7. The name of Dixey Griswell, as well as all the other names of applicants in the case of Lucy Ann Turner, et al., was stricken from the approved roll of Creek freedmen, by authority of the Department on

Secretary.—2

February 14, 1907, after a consideration of the transcript of testimony taken in the proceedings had on said August 22, 1906, and forwarded to the Department by the Commissioner on September 17, 1906.

Respectfully,

SCP(MPB)

Commissioner.

Through the Commissioner
of Indian Affairs.

CR EN 534

CR EN 534

[illegible] OF THE [illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JULY 6, 1904.

In the matter of the application for the enrollment of Lucy, Ira, John, Alma, Marly, Henry and Lessie Tippin, Sallie, William, Mary, Ida, Maggie, Sarah, Claude, Novella and Verly Evans as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Mott, att'y for Creek Nation.

Lucy Tippin being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lucy Tippin.
Q How old are you? A Thirty six.
Q What is your post office address? A Seneca.
Q Do you make application for enrollment as a citizen of the Creek Nation by blood? A Yes sir.
Q You have some minor children for whom you want to make application?
A Yes sir.
Q What is the name of the oldest? A John.
Q How old is John? A He was born in 1890.
Q What is the name of the next? A Ira.
Q How old is he? A Ten years old.
Q Next? A Alma.
Q How old? A Nine.
Q Next? A Marly.
Q How old? A She's 7 years old.
Q Next? A Henry;6.
Q Next? Lessie, she's four years old.
Q Are you the mother of these children? A Yes sir.
Q What is the name of their father? A Charlie Tippin.
Q Do you claim he is a citizen of the Creek Nation? A No sir.
Q He is a state man, is he? A Yes sir.
Q Do you live in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Since December.
Q Last December? A Yes sir.
Q Where did you come from? A Texas.
Q How long have you lived in Texas? A Born and raised there and lived there all my life but the little while I have lived here.
Q To what Creek Indian town do you claim to belong? A I don't know sir.
Q What is the name of your father? A Jim Tecumsey.
Q Is he living or dead? A Dead.
Q How long has he been dead? A Died in 1879;1879.
Q Where did he die? A In Texas.
Q Did he live in Texas from the time you were born until he died?
A Yes sir.
Q What is the name of your mother? A Mary.
Q Is she living or dead? A Dead.
Q How long has she been dead? A She died year before last when we was on our road up here; she started and died.

Q Did you ever draw any money from the Creek Nation? A No sir.
Q Has any money ever drawn for any of these children in the Creek Nation? A Not None of mine.
Q Were you ever admitted to citizenship in the Creek Nation by any authority? A No sir.
Q How long have you been married? About? A About 14 years.

Tribal rolls of the Creek Nation in the possession of the Commission examined and none of the applicants identified as any of said rolls. Records of the Commission and of the Creek Nation in its possession examined and it does not appear that any of the applicants have ever been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes or the authorities of the Creek Nation.

Q Was your mother a state woman? A I don't know sir.
Q Do you claim that she had any Creek blood? A If she did I don't know it.
Q How much Creek blood do you claim? A I don't know sir, how much I do claim; my father was a full blood he said.
Q You don't claim to be a full blood yourself? A No sir.

The principal applicant shows clearly that she is not a full blood Creek Indian.)

Q Did your father ever live in the Creek Nation? A Yes sir, he says he did.
Q When did he say he lived in the Creek Nation? A Well, I never did hear him say when he left.

Sallie Evans being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Sallie Evans.
Q How old are you? A I don't know; about 40 I reckon.
Q What is your post office address? A Seneca.
Q Do you make application for enrollment as a Creek by blood? A Yes sir.
Q Have you some minor children for whom you wish to make application?
A Yes sir.
Q What is the name of your eldest? A William.
Q How old is William? A Nineteen.
Q What is the next? A Jimmie; he is sixteen.
Q Next? A Mary; she's 15.
Q Next? A Edward; 11.
Q Next? A Sarah; 10;
Q Next? A Claude; he is 9;
Q Next? A Rovalla; she's 8.
Q Next? A Verly; she's 6 years old.

Q What is the name of the father of these children? A Albert Dreamer.
Q Do you claim that he is a citizen of the Creek Nation? A No sir.
Q Is he a white man? A Yes sir.
Q Are you living in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A I have been here [illegible] months.
Q Where did you come from to the Creek Nation? A Texas.
Q How long did you live in Texas? A All my life until I came here.
Q What is the name of your father? A Jim Tecumsey.
Q What is the name of your mother? A She was named Mary.
Q Are you a full sister of Lucy Tippin? A Yes sir.
Q You claim the right to enrollment in the same way that she claims? A Yes sir.
Q That is through your father? A Yes sir.
Q Did your father live in Texas from the time you were born until he died? A Yes sir,he came back up here to see his people up here three or four times; I remember but he would come home.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q Was any money ever drawn for any of your children from the Creek Nation? A No sir.

Tribal rolls of the Creek Nation examined in the possession of the Commission and none of the applicants identified on any of said rolls;records of the Commission and of the Creek [illegible] examined and it does not appear that any of [illegible] ever been admitted to citizenship in the Creek Nation by [illegible] sion to the Five Civilized Tribes or the authorities of the Creek Nation.

Henry C. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Hains.

Subscribed and sworn to before me this 18th day of July, 1904.

Charles B. Sawyer

Notary Public.

(Copy)

DEPARTMENT OF THE INTERIOR,

BEFORE THE HONORABLE DAWS COMMISSION AT MUSKOGEE, I.T.

In the matter of the application of Lucy Tippins to be enrolled as a Creek citizen, comes now Lucy Tippins and says that the testimony in her cause, as introduced before Honorable Daws Commission, shows that she, the applicant, is of indian blood and is entitled to be enrolled on the rolls of the Creek Nation as a Creek indian. The testimony further shows that Jim Tecumseh, the father of the applicant, was a Creek indian and member of the Creek tribe of indians and duely enrolled upon the old tribal rolls as a Creek indian by blood. Testimony further shows that relatives of the father of the applicant, are now in the Creek Nation and are duely enrolled as Creek indians by blood. Under the treaty between the Creek Nations and United States and the former rules and regulations of the authority of the Creek Nation prior to the time of the Honorable Daws Commission taking charge of the rolls and completing the rolls of the Creek Nation, applicant is entitled to be placed upon the rolls as a Creek Indian by blood. The applicant, at this time, desires to call attention of the Honorable Commission to the fact that the testimony shows that at the time of the death of Jim Tecumseh, the father of the applicant, that he had removed from the Indian Territory to the State of Texas, but had not relinquished his citizenship as a Creek Indian, but on the contrary, had always maintained his citizenship as a Creek Indian by blood.

These premises considered, applicant asks that she and her children be enrolled as Creek Indians by blood and that they be allowed to take allotments of land in the Creek Nation as is granted to other citizens.

(Signed) Lucy Tippins

(COPY)

DEPARTMENT OF THE INTERIOR
BEFORE THE HONORABLE DAWES COMMISSION MUSKOGEE, I.T.

In the matter of the applications [illegible] of Sallie Ivans, to be enrolled as a Creek citizen, comes now Sallie Ivans and says that the testimony in her cause, as introduced before the Honorable Dawes Commission, shows that she, the applicant, is of Indian blood and is entitled to be enrolled on the rolls of the Creek Nation as a Creek Indian.

Testimony further shows that Jim Tecumseh, the father of the applicant, was a Creek Indian, and member of the Creek tribe of Indians and duely enrolled on the old tribal rolls as a Creek Indian by blood.

Testimony further shows that relatives of the father of applicant are now in the Creek Nation and are duely enrolled as Creek Indians by blood. Under the treaty between the Creek Indians and United States and the former rules and regulations of the authority of the Creek Nation prior to the time of the Honorable Dawes Commission taking charge of the roll and completing the rolls of the Creek Nation, applicant is entitled to be placed upon the rolls as a Creek Indian by blood.

The applicant, at this time desires to call the attention of the Honorable Commission to the fact that the testimony shows that at the time of the death of Jim Tecumseh, the father of the applicant, that he had removed from the Indian Territory to the State of Texas, but had not relinquished his citizenship as a Creek Indian, but on the contrary, had always maintained his citizenship as a Creek Indian by blood.

These premises considered, applicant asks that she and her children be enrolled as Creek Indians by blood, and that they be allowed to take allotments of land in the Creek Nation as is granted to other citizens.

(Signed) Sallie Ivans.

No. 854.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lucy, Ira, John, Alma, Early, Henry and Lessie Tippin, and Sallie, William, Mary, Jim, Edward, Sarah, Claude, Novella and Verly Evans as citizens by blood of the Creek Nation.

DECISION.

The record in this case shows that on July 6, 1904, Lucy Tippin and Sallie Evans appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of themselves and their minor children, Ira, John, Alma, Early, Henry and Lessie Tippin, and William, Mary, Jim, Edward, Sarah, Claude, Novella and Verly Evans, respectively, as citizens by blood of the Creek Nation.

The evidence shows that none of the applicants are full blood Creek Indians.

It does not appear that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Lucy Tippin, Ira Tippin, John Tippin, Alma Tippin, Early Tippin, Henry Tippin, Lessie Tippin, Sallie Evans, William Evans, Mary Evans, Jim Evans, Edward Evans, Sarah Evans, Claude Evans, Novella Evans and Verly Evans as citizens by blood of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

C. R. Breckinridge.
COMMISSIONER.

DATED AT MUSKOGEE, I.T.
OCT 11 1904

No. 524.

Muskogee, Indian Territory, October 17, 1904.

Lessie Tippin,

Seneca, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your children, Ira, John, Alice Early, Henry and Lessie Tippin, as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Register

HOW-8-10-17.

No. 834

Muskogee, Indian Territory, October 17, 1904.

Sallie Evans,

Seneca, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your children, William, Mary, Jim, Edward, Sarah, Claude, Novella and Verly Evans, as citizens by blood of the Creek Nation.

The decision with a copy of the proceedings had in the same is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Register.

MCW-9-10-17

No. 254.

Muskogee, Indian Territory, October 17, 1904.

R. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lucy Tippin, et al., as citizens by blood of the Creek Nation.

The Commission with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

HCW-10-10-17

Creek No. [illegible]

Muskogee, Indian Territory, October 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lucy Tippin, et al, as citizens by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1904, denying said application.

Respectfully,

Tams Bixby.

Chairman.

Through the Commissioner of Indian Affairs.

KCW-11-10-17.

DEPARTMENT OF THE INTERIOR, RJR S.A.T.
I.T.D. 11076-1904. Washington, November 3, 1904.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

October 17, 1904, the Chairman transmitted the record in the matter of the application for the enrollment of Lucy Tippin and her minor children, and Sallie Evans and her minor children, as citizens by blood of the Creek Nation, together with the decision of the Commission dated October 11, 1904, denying said application.

Reporting October 27, 1904, (Land 74099), the Acting Commissioner of Indian Affairs recommends approval of said decision. A copy of his letter is enclosed herewith.

The Department affirms your decision in said case.

Respectfully,

F.L.Campbell

Acting Secretary.

1 inclosure.

Copy

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land
74,099-1904.

Washington, Oct. 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In inclose herewith a report from the commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application for the enrollment as citizens by blood of the Creek Nation, by Lucy Tippin for herself and her minor children, Zahu, Ira, Alma, Early, Henry and Lessie Tippin; and by Sallie Evans for herself and her minor children, William, Jimmie, Mary, Edward, Sarah, Claude, Novella and Verly Evans.

October 11, 1904, the Commission decided adversely to all of the applicants.

The record shows that the applications were filed July 6, 1904; that none of the applicants is a full blood Creek Indian; that none has ever been enrolled, recognized or admitted to citizenship by the Creek tribal authorities or by any tribunal of the United States.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

(M.M.M.)P.

Creek [illegible]

Muskogee, Indian Territory, November 11, 1904.

Mr. L. [illegible],
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 3, 1904, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated October 11, 1904, denying the application of Lucy Tippin for the enrollment of herself and her minor children, and of Sallie Evans for the enrollment of herself and her minor children, as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

CR EN 535

CR EN 535

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., July 7, 1904.

In the matter of the application for the enrollment of Mary Manac as a citizen of the Creek Nation.

Alice Manac, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Alice Manac.
Q Are you ever known by the name of Green? A No, sir, I don't go by Green at all, he is known by Green.
Q Who do you mean by "he"? A John.
Q And who is John? A John Manac, that is the man I married.
Q What is your age? A 23 years old.
Q What is your post office? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A I belong to the Canadian.
Q Have you a child named Marry Manac? A Yes, sir.
Q Have you ever made application to the Commission for its enrollment as a citizen of the Creek Nation? A Yes, sir, we sent it in.
Q When was Mary born? A She was born 1901 April the 13th.
Q Is she living? A Yes, sir, she is living.
Q Is she present here now? A Yes, sir, there she is (pointing to child).
Q Have you any children born since Mary was born? A Yes, sir.
Q What is that child's name? A John Manac.
Q When was he born? A The 18th day of May.
Q What year? A 1903.
Q Have you a record of the date of the birth of your child, Mary? A No, sir.
Q Do you read and write? A Yes, sir, a little.
Q Have you been enrolled by the Commission? A Yes.
Q Under what name? A Alice Tobler.
Q What is your father's name? A Aaron Tobler.
Q What is your mother's name? A Bettie Tobler.
Q Have your brothers and sisters any young children? A Yes, sir, I have several sisters but they haven't any children. They are single. None got children.
Q How old is Mary? A She is three years old past.
Q How much past? A She is about three years old this last April. You might know how old she is.
Q Can she talk? A Yes, sir, she can talk good as you can.
Q How many teeth has she? A I don't know how many teeth she has.
Q How many teeth has she to cime yet? A I don't know.
Q How old was Mary when John was born? A She was two years old past.
Q Who was the mid-wife who attended you when she was born? A Creasie Brown.
Q Is she living? A Yes, sir.
Q What is her post office? A Calvin.
Q How long after the birth of Mary before you sent in your birth affidavit? A Why I just sent it in this year--in January.

John Manac, being duly sworn, testified as follows:

Q What is your name? A John Manac.
Q What is your post office? A Eufaula.
Q How old are you? A 45.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tuckabatchee.
Q What is your wife's name? A Alice Manac.

John Manac witness:
By Commission:
Q Has she a child named Mary? A Yes, sir.
Q Are you the father of that child? A Yes, sir.
Q Do you know when Mary was born? A Yes, sir.
Q State the date? A 1901, April the 13th.
Q Have you a child named John? A Yes, sir.
Q When was he born? A Born 1903, May the 18th.
Q Have you a brother or sister who has several children? A Yes, sir, got several of them.
Q Name one who has two or three children? A Sallie Tebler.
Q How near does Sallie live to you? A Right over there.
Q What is the name of her oldest child? A George Tebler.
Q How old is he? A 26.
Q Has she any young children? A yes, sir, she got one about six weeks old.
Q What is the name of the one next to that one? A Judy.
Q How old is she? A About 4.
Q What is the date of the birth of Judy? A I don't know that. I couldn't tell you for I never went around there enough.
Q What is the name of the one next to Judy? A Senora.
Q When was Senora born? A I don't know that. I don't know when none of them was born. Lots of times I was off when they was born.
Q Was Mary born before or after Judymwas born? A Judy is away yonder older than Mary.
Q Were you at home when Mary was born? A Yes, sir.
Q Were you here when Judy was born? A No, sir, I was here in the neighborhood but I wasn't there.
Q How long after Judy was born until Mary was born? A A little over a year.
Q Where was Mary born? A Born close to Calvin.
Q You can read and write can you? A I can read but I can't write. I can read print.

Alice Manac recalled:

Q You executed the birth affidavit did you in the matter of the birth of Mary that was sent to the Commission? A yes, sir.
Q Did you read over the affidavit before you signed it? A It was read over to me.
Q That affidavit stated that Mary was born April 13, 1900? A 1901 Mr. Turner must have made that mistake.
Q Did you tell him the date that Mary was born? A Yes, sir. I told him.
Q You didn't write the date of the birth down in the Bible or a book? A No, sir, I didn't write it down.
Q When were you married? A I don't know what year it was----1901.
Q What month? A I married in June.
Q How long after that until Mary was born? A I already had her.
Q She was born the same year you was married? A Yes, sir, she was born in April and I married in June.
Q Did you get a marriage license and certificate? A Yes, sir.
Q Have you that marriage license and certificate? A Yes, sir.
Q How old was Mary when you were married? A I don't know exactly how old she was.
Q Was she born the same year you were married? A No she wasn't born the same year I was married.
Q You stated a moment ago that she was born the same year you were married? A Yes, sir, but I had that wrong.
Q Where were you living when you were married? A I was living up to Calvin but I didn't marry up there I married down here.

By Commission:
The witness presents marriage license which was issued Une 25, 1902, to John Manac and Alice Tebler. The certificate of marriage given by J. M. Granbury shows that he solemnized the

Rite and published the Banns of matrimony between the parties named on the 26th day of June 1902.

John Manac recalled:

By Commission:
Q Was Mary born before or after you and Alice were married? A Born before.
Q How long before? A About a year.
Q Where were you during that time, from the time she was born until you were married? A I was right here over on the other side of the creek.
Q Are there any statements you desire to make in regard to this matter? A No, not anything partisular.

By Commission:
The child, Mary Manac, for whom application is made, is present and appears to be at least three years of age.

Isaiah Stewart, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Isaiah Stewart.
Q How old are you? A 56.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Are you a citizen of any Indian Tribe in Indian Territory? A No, sir.
Q Citizen of the United States? A Yes, sir.
Q Do you know John Manac? A Yes, sir.
Q How long have you known John? A I have known him eight or ten years.
Q How long have you been in this country? A I came in this country in '67.
Q How long have you been residing here? A About 8 years.
Q I mean in the Creek Nation? A I been in the Creek Nation off and on ever since '67.
Q How long did you be out of the Creek Nation at a time? A Sometimes I would be in the Cherokee Nation and sometimes here.
Q Do you know Alice Manac, John Manac's wife? A Yes, sir.
Q How long have you known here? A I can't tell you how many years but I lived with her uncle.
Q Has she a child named Mary? A Yes, sir.
Q Do you know who is supposed to be the father of that child? A The party is dead. His name------who was said to be the father is dead.
Q Do you know whether John Manac was ever said to be the father? A No, sir.
Q John and is wife lived close to you didn't they? A Yes, sir, they lived right over here.
Q Do you know how many children they have living with them now? A I guess they haven't got any but there own two children and her sister.
Q Do you know the names of their children that are living with them? A Not the baby-------the oldest one named Mary.
Q Do you know whether Mary was born before or after John and Alice were married? A The child was born before they were married.
Q Do you know about how long before? A I don't know.
Q Was it more then a month before? A Yes, sir. more then a month.
Q About how long do you think it was? A I couldn't say how many months it was.
Q Was it as long as a year? A It might have been but I couldn't te tell.
Q Do you know whether it was more then six months before they were married? A I couldn't tell that.

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D C Skaggs.

Subscribed and sworn to before me this 21st day of July, 1904.

Seal. Oliver C. Hinkle
Notary Public.

My Com. expires June, 1908.

189

20

IN RE

Application for Enrollment of

INFANT CHILD

Mary Manac

as a citizen of

Creek

Nation.

Approved, 190

Commissioner.

DEPARTMENT OF THE INTERIOR

January 8. 1903

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Mary Manac (Here insert name of child.), born on the 13th day of April, 1900
Name of Father: John Manac, a citizen of the Creek Nation.
Name of Mother: Alice Manac, a citizen of the Creek Nation.
Post-office, Eufaula IT

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Alice Manac, on oath state that I am 23 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful wife of John Manac, who is a citizen, by blood, of the Creek Nation, that a female (male or female.) child was born to me on the 13th day of April 1900; that said child has been named Mary Manac, and is now living.

Alice Manac.

WITNESSES TO MARK
(Must be Two Witnesses)

Aug 1-1906
Subscribed and sworn to before me this 6th day of January 1904.

Thos. F. Turner
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Cresie Brown, a Midwife, on oath state that I attended on Mrs. Alice Manac, wife of John Manac, on the 13th day of April, 1900; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Mary Manac

Cresie Brown her mark

WITNESSES TO MARK:
(Must be Two Witnesses) Silas Carr
Walter Hutton

Aug 1-1906
Subscribed and sworn to before me this 6th day of January 1904.

Thos. F. Turner
NOTARY PUBLIC.

En. 535
T.C.G.
9813

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Mary Manac as a citizen of the Creek Nation.

D E C I S I O N .

The record in this case shows that on July 7, 1904, Alice Manac appeared before the Commission at Eufaula, Indian Territory, and made application for the enrollment of her minor child, Mary Manac, as a citizen of the Creek Nation.

The records of the Commission show that the mother of Mary Manac is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 154.

The evidence shows that said Mary Manac was born prior to May 25, 1901, and was living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Mary Manac should be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress of June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,

INDIAN TERRITORY

FEB 16 1905

Creek An 636

Muskogee, Indian Territory, February 17, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Manac as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Mary Manac will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYM-17-2.

CR EV 536

The testimony given
here for doubt as
to the identity of
the principal ap-
plicant, but in
the absence of any
evidence tending
to prove that she
is not the Melinda
Grayson on the 1880
roll that she claims to
be, presume she is
entitled to be enrolled

J. F. J.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. JULY 9, 1904.

In the matter of the application for the enrollment of Malinda and Elizabeth Sloane as Creek Freedmen.

Malinda Sloane being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Malinda Sloane.
Q How old are you? A About 30 or 31; I was married when I was 14.
Q What is your post office address? A Muskogee.
Q Do you make application for enrollment as a Creek Freedman? A Yes sir
Q Have you a child that you wish to make application for? A Yes one; Elizabeth Sloane.
Q How old is she? A About 15 or 16.
Q What is the name of her father? A Thompson Sloane.
Q Do you make any claim that he is a citizen of the Creek Nation? A No sir.
Q He is a state man, is he? A Yes sir.
Q Do you live in the Creek Nation? A I live here in Muskogee.
Q How long have you lived here in the Creek Nation? A This time I have lived here about two years.
Q Where did you come from? A From the Choctaw Nation.
Q Where did you live in the Choctaw Nation? A I don't know just exactly I have lived in the Territory here and there, altogether ever since about '70; June.
Q Have you lived in the Indian Territory ever since 1870? A Not altogether; I have been in the States down as far as St. Louis and back up here.
Q Did you ever draw any money from the Creek Nation? A No sir, never has.
Q Was any money ever drawn for Elizabeth in the Creek Nation? A No sir; my uncle that's dead drew some money for me; Tobe Drew; he is dead.
Q Did he draw for Elizabeth too? A No sir.
Q What payment was that he drew? A That was that $14. payment.
Q He drew the $14. payment for you? A Yes, and sent it to me.
Q Did you get the money? A Yes sir.
Q Have you been married more than once? A Yes sir, married the second time.
Q What was the name of your first husband? A John Kennedy.
Q When did you marry him? A I married Thompson Sloane when I was about 14.
Q Is John Kennedy living now? A Not that I know of.
Q He and you separated? A Yes sir, I have been a widow five years.
Q You mean you have been separated five years? A Yes sir.
Q What was your name when that money was drawn for you? A I was a Sloane.
Q How long did you live with John Kennedy? A About 3 or 4 years I guess
Q What was the name of your father? A William Higginbottom.
Q Was he a citizen of the Creek Nation? A No sir, I don't know whether he was or not.
Q What was the name of your mother? A Betsy Higginbottom.

Q She has been enrolled as a citizen of the Creek Nation, has she? A Yes sir.
Q What town do you claim to belong to? A Arkansas.
Q You have never been known by any other names except the three you have given here? A Drew was what they called me when I was a child.
Q Did they ever call you anything but Malinda? A Malinda and Linda- that's all.

Betty Drew being called and sworn testified as follows:

By the Commission:

Q What is your name? A Betty Drew.
Q I thought it was Betty Higginbottom? A That's my name; Betsy Higginbottom, that's my marriage name.
Q How old are you? A I can't tell you; 70 odd I reckon; yes sir.
Q What is your post office address? A Inola.
Q Is Malinda Sloane your daughter? A Yes sir.
Q Is Joe Primus any kin to you? A I don't know.
Q Are you acquainted with his family? A I forget all about him till I meets him; I gotget the names until I meets them; when I meet them I know exactly who they are.
Q You have been enrolled as a citizen of the Creek Nation? A Yes sir.
Q Your name is not on the Dunn Roll is it? A Yes sir, with Tobe Drew.
Q That's on the 1890 roll. A Well, that's it; every child I had was enrolled.
Q Well, Malinda is not on there with you? A I don't know whether she was put on that roll or not; but I put every child on the roll there.

The Dunn Roll examined and Bettie Higginbottom not identified thereon; the records of the Commission examined and it appears that Bettie Higginbottom is listed for enrollment on Creek Freedman card, Field No. 5383; she is identified on the 1890 authenticated tribal roll of the Creek Nation, but on no other in the possession of the Commission.

Q Who was Abe Drew, do you know him? A Yes sir; that's my nephew.
Q Did you know Jane Drew? A Yes sir.
Q Who is she? A She is my niece by marriage; my brothers.
Q Was Malinda ever called by any other name except Malinda or Linda?
A They most all the time called her Linda that's all.
Q What were the names of your children? A Phoebe and Malinda and Thomas, Alex and Levi and Joshua and Charles.
Q Are any of them living? A I have got two living; Malinda and Thomas and Levi.
Q Where do Thomas and Levi live? A Thomas is up there where I am living and Levi is out in the Chickasaw Nation or somewhere.

Malinda Sloane recalled:

Q Did you know Ezekiel Grayson? A Yes, he was a cousin of mine.
Q Older or younger than you? A Older than I am; he was a big boy when I was a little girl.

Q Did you know Anna Grayson? A It must be Andy Grayson.
Q You knew an Andy, did you? A Yes sir.
Q Was he older or younger than you? A Older.
Q What kin was he to you? A Cousin; all them three was brothers and sisters.
Q Did you know Flora or Florena? A Yes, cousin Flora.
Q Were Ezekiel, Anna and Flora brothers and sisters? A They might have been half; by father and not by mother.
Q Did you live with them; in the same house with them when you was a child? A Yes sir, when I was a child; we played right here on the Verdigris.
Q Did you live with them in the same house? A Yes sir, right in the same house; right there on the Verdigris.

McIntosh
Tobe [illegible] being called and sworn testified as follows:

Examination by the Commission:

Q Give your name, age and post office address. A Tobe McIntosh; Muskogee.
Q Did you know Ezekiel, Anna and Flora Grayson when they were children? A Yes sir.
Q How far did you live from them? A Well, you might call it about three miles.
Q Did Malinda, the applicant here, did she live with them at that time; did they all live together? A Yes sir; they all lived together at that time.
Q Who else lived there at that time, in that house, do you remember? A No, I can't tell you that time who else living there but I knew that they all lived there in one house;this is so long--- my memory has got short; I can't transact that far back.
A Malinda's mother lived there, didn't she? A Yes sir.

At page 27 of the 1890 authenticated tribal roll of the Creek Nation, the following names are found, all appearing in the same family:
Malinda Greyson, Ezekiel Greyson, Annie Greyson, Florena Greyson. There is a pencil note opposite these names "not known"; there is nothing to show when the pencil note was made.

Malinda Sloane recalled:

By the Commission:

Q Who else lived in that house then, do you remember? A Aunt Vina and Aunt Mary and Uncle Alex and aunt Rose and cousin Richard and cousin Jack and cousin Ella.
Q Any children? A And grandpa was there; his house was in the yard;we lived in this house and grandpa's was right there.
Q Any children? A Yes sir; Andy;I know cause I played with them; used to fight with them when I was a child.
Q Any others besides Andy? A Tucker and Flora and Malinda, cousin of M. Harrison out here and Malinda's brother Charlie.
Q What is that Malinda's name? A Malinda Harrison, she is now.

Malinda Harrison is identified at page 21 of the 1890 authenticat-

...triplicate of the Creek Nation.

...he reported the above

Henry G. Haines being sworn on his oath states that he is stenographer to the Commission to the Five Civilized Tribes and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 25th day of July, 1904.

Chas. McDermott

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 8, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Malinda Sloan et al., as Creek Freedmen.

MALINDA HARRISON, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Malinda Harrison.
Q How old are you? A I don't know how old.
Q About how old? A About 42.
Q What is your post office address? A Muskogee.
Q Do you know Malinda Sloan? A Yes, sir.
Q Is she kin to you? A Yes, sir.
Q What relation? A First cousin.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What is the name of her father? A Her father was a Higginbottom.
Q What is her mother's name? A Bettie Higginbottom.
Q How long have you known Malinda Sloan? A Ever since I was big enough to recollect.
Q Where has she been living? A In the Creek Nation.
Q Has she lived in the Creek Nation all her life? A She was just come and go. We all were raised together right here.
Q What was her name before she married? A Malinda Higginbottom.
Q Was she ever known by any other name? A Yes, sir, she was known by another name, but I don't remember what it was.
Q What was your name before you were married? A Drew.
Q Did you ever know Ezekiel Grayson? A No I don't know. I might known him but they change up their names so now.
Q Who did Malinda Sloan live with when she was a child? A Lived with her grandfather.
Q What is his name? A Tartar Grayson.
Q Do you say she was called by another name but you don't remember what it was? A Yes, sir.
Q Did you ever know Andy Grayson? A Yes, sir.
Q Is he living? A Yes, sir.
Q Is he any kin to Malinda Sloan? A Yes, sir.
Q What kin? A Second cousin.
Q Did they live near together when they were children? A Yes, sir.
Q How close? A I can't say how close it was.
Q They never all lived together? A Yes, sir, right close together.
Q What do you mean, within a mile of each other? A Yes, sir.
Q You didn't all live in the same house did you? A She lived with my grandfather and I stayed there to.
Q Were you married then? A No, sir. I wasn't married then.
Q Are you not a good deal older than she is? A I can't tell you.
Q Were you grown when she was a child? A No, sir, I couldn't be grown when she was a child.
Q She gives her age about 31 or 32 and you give you age as over 40? A Well I was just guessing at it. I don't know how old I am.
Q Did you ever know Flora Grayson? A Yes, sir.
Q What is her name now? A I don't know.
Q Is she related to you? A Yes, sir.
Q You don't know her name now? A She named Flory.
Q Did you know Malinda Grayson? A That was my grandmother.
Q Is Flora her daughter? A No, sir.

Q Did you ever know any one by the name of Florena? A Flora Grayson was called Florena.
Q Flora and Florena are the same person? A I guess they is.
Q Was there any one in that family named Andy? A Yes, sir.
Q Was Ezekiel in that family? A It might have been but they change up the names so now.
Q Were Andy and Florena the children of your grandmother? A No, sir.
Q They lived with her? A No, sir. They were her kin folks.
Q Didn't they live with her? A No, sir.
Q I understood you to say they belong to her family? A No, sir. They just kin folks.
Q Do you know whether any money was ever drawn for Malinda Sloan or not? A Drew used to get the money but I don,t know anything about it.
Q Do you know whether he got any for her or not? A No, I don't know.

I, Drennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 19" day of August, 1904.

Charles L. Sawyer
Notary Public.

COMMISSIONERS:
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

GIVE IN REPLY TO THE FOLLOWING:

August 29, 1904

Receive one copy of the testimony in the matter of the Application for the enrollment of Malinda Sloan, et al, as Creek Freedmen, taken August 2, 1904

Martin & Gidney
Attorneys for Applicants.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

WHEN REPLY TO THIS FOLLOWING

No 536

Receipt of the Commission to the Five Civilized Tribes one copy of the testimony in the case of Malinda Sloane et al, applicants for enrollment as Creek freedmen, taken July 9. 1904

Martin & Spaeny
Attys for applicants

8/18/04

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. AUGUST 22, 1904.

En. 536

Additional testimony

in the matter of the application for the enrollment of Malinda Sloane, et al., as Creek Freedmen.

APPEARANCES: S. E. Gidney, attorney for applicants.
M.L.Mott, attorney for Creek Nation.

Nero Drew being duly sworn testified as follows:

Examination by the Commission:

Q What ismyour name? A Nero Drew.
Q How old are you? A I can't tell; about 80.
Q What is your post office address? A Muskogee.
Q Do you know Malinda Sloane? A Yes sir, I have been knowing her when she was a little girl.
Q Did she have any brothers and sisters? A Yes sir.
Q What were their names? A Tom and Levi.
Q Who else? Any sisters? A She has got several sisters.
Q What are their names? A I don't know all her sisters' names; but I know her; I am well acquainted with her; I don't know her sisters.
Q Are Tom and Levi living? A Yes sir.
Q What are they called- Tom and Levi what? A Higginbottom I think.
Q Where has Malinda Sloane been living? A She used to live with my grand-daddy.
Q Your grandfather? A Yes sir, her grandfather too.
Q What is your grandfather's name? A Tarter Grayson.
Q Is Tarter Grayson living? A He is dead long ago.
Q Do you know whether any money was ever drawn for Malinda Sloane in the Creek Nation, or not? A I know when Uncle Tobe went to Okmulgee and drawed for us.
Q How much? A He drawed the $15 a head once; bread money.
Q How long ago has that been? A O, goodness, I can't tell exactly; when the payment was had at Okmulgee there;I don't know how long its been; its been some 4 or 5 years.
Q Was that before Malinda was grown or after? A She was just a young girl then. He drew her money and sent it to her.
Q What kin is Malinda to you? Is she any kin to you? A My aunt's daughter;Aunt Betsy's daughter.
Q How long has her mother been dead? A She aint dead; Aunt Betsy Higginbottom.
Q Did Malinda ever go by any other names except Malinda Higginbottom and Sloane? A Yes sir, Grayson.
Q How come she to get that name, Grayson? A Her grandfather called her that and Tobe enrolled her that way.
Q Was Tarter Grayson ever known by any other name except Tarter Grayson? A Old man Tarter Grayson.
Q Never known by anything else? A No sir.
Q What was the name of his wife? A Malinda;old aunt Malinda.
Q Was he ever known by the name of Tarter McIntos ? A No sir, I never heard anybody call him Tarter McIntosh.
Q What was his owner's name? A Drew.
Q About how old is Malinda now? A No sir, I can't tell you; she might be some 20 years old.
Q Did you ever know Ezekiel Grayson? A Yes sir;Malinda is her cousin. They lived together.
Q Did you know Annie Grayson? A Yes sir.

Q Is she living? A No sir, I don't think she is.
Q Is Rachel living? A No sir. I can't tell you; he went off.
Q Do you know Florena Grayson? A Yes sir.
Q Is she living? A Yes sir.
Q What is her name? A Flora.
Q Flora what? A Floreena.
Q Well, what's the other name she has got -- Smith or Jones? Is she married? A Yes sir.
Q What's her husband's name? A I don't know.
Q Did you know Sarah Grayson? A Yes sir.
Q Is she kin to these others? A Yes sir.
Q Did you know Polly? A Yes sir.
Q Is Polly kin to her? A Yes sir.
Q Did you know Susan? A Yes sir.

(These last three names are not found with the others and are simply called out to test the witness' remembrance; are not identified, but simply taken to test the witness' memory.)

Examination by Mr. Gidney:

Q Do you know anything about any money having been drawn for Malinda Sloane? A Old man Tobe drew her money.
Q How do you know that? A I was out at Okmulgee when he drew it.
Q Do you know how long ago that's been? A No sir; it was out at Okmulgee there; its been a good while.
Q Do you know how long Tarter's wife has been dead? A The old lady?
Q Yes.
A I reckon its been 10 or 12 years; more than that I guess; she died before I come from Texas.
Q Do you know how long ago you came from Texas? A I can't tell you.
Q Has it been since the war between the states? A Yes sir; its been since that big war.
Q Do you know how long after the big war until you came back from Texas? A No sir, I don't know exactly but I come back a good while; several years.
Q You don't know much about dates? A No sir, I don't know anything about dates.

By the Commission:

The 1890 roll shows that money was drawn for the mother of Malinda in 1890 in the family of Tobe Drew but Malinda's name is not found in that family at that time.

Malinda Sloane being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Malinda Sloane.
Q You are the same person who has made application heretofore? A Yes sir.

Examination by Mr. Gidney:

Q Have you any children? A Yes sir; a daughter, Elizabeth.
Q By what names have you gone? A I lived with grandmother, Tarter; I came here as a child; my mother she was sent to Texas from here; we all come back here from Texas when I was a child; my mother sent me to my grandfather and I stayed with him here on Verdigris river and of course I was under his care and I had to go with him. I suppose cousin Ara thought I would go with him; cousin Tobe was your name he says: "Your name is on the roll." How did you know it was there. Old cousin Tobe he put it down with Tucker and Flora and Andy, and I says I didn't know it was

down there. He says I am down Malinda Grayson, and cousin Reed goes ahead and tells a story, and I found Tobe out by my town- I found Tobe had put me down Malinda Grayson in his family.
Q Was your mother living with your grandfather? A When I came here, mother wasn't here yet;she was in Texas then.
Q You lived with your grandfather as a child? A Mama sent me in his care;I was living with grandfather as his own child;myself and cousin Ella and Tucker and Flora and Andy;and cousin Ara was a young man then.
Q For whom were you named? A Grandmother; Malinda Grayson.
Q When did she die? A While we were in Texas.
Q When didyou come from Texas? A Right after the war.

By the Commission:

Q Were you taken out of here during the war? Or were you born in Texas?
A Born in Texas.
Q How old were you when you came here? A I don't know;I was a child playing around; I guess I must have been 10 or 12 years old.
Q That was right after the war? A Yes sir.
Q How long after? A Just a few years after the war;after we knew we was free;she sends me here to Mr. Smith where we hear grandfather was here;when I got there I heard grandfather was here;cousin of mine tells where grandfather is;I come here to Ft. Gibson and then the first man I meets and he carries me out to old Agency and Uncle Tobe takes me to grandfather's.
Q How long after that before your mother came here? A A good long while after. It might have been 8 or 9 years anyhow.
Q What is her name? A Betsy Higginbottom;that's my father's name;after we found her here then I had some idea how they put me down;I know I went by the name of Malinda Higginbottom and Malinda Drew and Malinda Grayson too;that's grandfather's name.
Q Was your grandfather ever known by any other name except Tarter Grayson? A Tarter Grayson and Tarter Drew; they are all related; gradfather still remained here.

By Mr. Gidney:

Q Do you know how old you are? A I am getting along pretty well in years.

By the Commission:

Q Can you remember the war? A I do remember a little about the shooting and I remember the soldiers.

By Mr. Mott:

Q Do you know how old you are? A I can't tell exactly my age;I know I am pretty old.
Q What are are you; to the best of your knowledge? A About- up in 40 or 50.

Henry C. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that t is is a full, true, and correct transcript of his stenographic notes in same.

Henry C. Hains.

Subscribed and sworn to before me this 4th day of October, 1904.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, INDIAN TERRITORY, DECEMBER 1, 1904.

In the matter of the application for enrollment of Malinda Sloane, et al. as Creek freedmen.

Fannie Hall being first duly sworn testified as follows:

EXAMINATION BY THE COMMISSION/

Q What is your name? A Fannie Hall
Q How old are you? A I'm 39 years old.
Q What is your post office address? A Wagner.
Q Do you know Malinda Sloane? A Yes sir.
Q How long have you known her? A Ever since we were children.
Q Is she any kin to you? A First cousins; she's my Aunt's daughter.
Q Which is the older; Malinda or you? A She is I guess
Q What was her name when she was a child? A Malinda Grayson
Q What did you say her name was? A Malinda Grayson.
Q What is the name of her mother? A How she come to go by the name of Grayson she wasn't raised with her mother----
Q I ask you what her name was when she was a child? A Her name when she was a child was Malinda Higginbottom, but she didn't live with her mother.
Q You say she didn't live with her mother when she was a child? A No sir she was staying with grandpa.
Q Who was that? A Grandpa Tartar; grandpa Tartar Grayson.
Q How long did she live with Tartar Grayson? A I don't exactly know how long.
Q As near as you can come to it? A As near as I can come to it, he had her and my brother Daniel; they was all staying with him and her too.
Q How long did she stay with Tartar Grayson according to your best judgment? A She lived with him when she was a child; I can't remember how long she did stay there; I don't want to tell a story about it and I just can't say how long; we all stayed there when we were children.
Q Did she stay a month? A I just couldn't tell you; I don't know how long she did stay.
Q You don't know if she stayed a month? A I know she stayed

stayed there with grandpa but I just can't tell you how long she did stay there; we was all children there together.
Q Did you ever know anybody by the name of Ezekiel Grayson?
A If I did I don't remember it this time; I might have known him but I don't remember him now.
Q Did you ever know anybody by the name of Annie Grayson?
A Annie Grayson, I don't remember any Annie now.
Q Did you ever know anybody by the name of Florina Grayson?
A No sir I don't believe I do; I might but I can't remember it right now; there was so many of us children all there together.
Q How far did you live from Malinda when you were a child?
A We all lived right there on the same place.
Q In the same house? A No sir not in the same house, but we all lived right there on the same place right close together; we didn't live right in the same house but grandpa's children all lived there right around him.
Q Well how far; a mile or two miles; can't you give some idea of how far it was? A I couldn't tell you how far it was.
Q You are a citizen of the Creek Nation are you? A Yes sir.
Q What was the name of Tartar Grayson's wife? A Malinda.
Q Is she living or dead? A She's dead.
Q How long has she been dead? A I couldn't tell you how long she's been dead; she been dead a long time; I guess she's been dead 20 years; she died before grandpa did.
Q What was the name of Linda Harrison's father?? A What was the name of Linda Harrison's father.
Q Yes? A Her father's name was Sam Drew.
Q What was the name of her mother? A Mollie; she's my Aunt.

VINA MORRISON

Being first duly sworn testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Vina Morrison.
Q How old are you? A I don't know how old I am; I don't want to tell no story; I don't know how old I am; all the papers that told when we was born got burned up and I can't tell you how old I am.
Q Are you as old as Malinda Sloane? A I don't know ,sir, whether I am older than her or not; I don't know how old I am.
Q Were you children together? A Yes sir.
Q What is your post office address? A Turner.
Q Are you acquainted with Malinda Sloane? A Yes sir.
Q What kin are you? A First cousins.

From the card in the case of the witness she is now about 44 years old.

Q How far did you live from Malinda when you were children?
A We lived right there in one yard.
Q In the same yard? A Yes sir right along there in the same yard all along until she went away.
Q When did she go away? A Well to tell you the truth about it I don't know when she went away; I don't recollect when it was.
Q Did she marry some one and go off with her husband or did she go off to work? A I disremember Mr; we was all children and I don't remember about that; all I know is she's my first cousin and we all lived on grandpa's place together when we was children.
Q Do you know Ezekiel Grayson? A I don't know any one -- I don't know him by that name; I might have known him but not by that name.
Q Did you know him by the name of Zeke? A No sir I don't remember any one by that name.
Q Do you know Annie Grayson? A I don't know her by that name.
Q She's married isn't she? A Whose child is she.
Q That what I want to knw; thats what I am tryiny to find out from you. A The children are all scattered and married and I don't know them by their husband's names. We folks are not like white folks; we can't write and we all get scattered and don't remember each others names.
Q Do you know Florina Grayson? A Yes sir I know her, she's my cousin.
Q What is her name now? A I don't know since she's married.
Q What was her name? A Flora.
Q Did you know a Florina? A No sir I didn't know anybody by the name of Florina.
Q Did you have abrother by the name of Tucker? A Yes sir.
Q Did they ever call him by any other name? A Yes sir Daniel and Tucker.
Q Where is he? A I don't know sir.
Q Did you have a sister by tha name of Malinda? A No sir just two cousins- Malinda Drew and Malinda Higginbottom.
Q What is Malinda Drew's name now? A Malina Patterson; I'm telling you the truth; I'm telling you just like I hear them.
Q Is she married? A Yes sir.
Q What is her husband's name? A Dick Patterson, that's the way I know it.
Q Has she got any children? A Yes sir
Q Do you know the names of any of them? A Yes sir I Know the name of one of them ; his name is David Ross; I don't know the names of the others; I've seen them.

The witness evidently refers to Linda Harrison.

Q Did you have a sister named Anna, or one named Florina?
A No sir there was only two sisters, and that her(referring to former witness) and me.

Mattie V. Vaughn states upon oath that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Mattie V. Vaughn

Subscribed and sworn to before me this 3rd day of December 1904.

Charles L. Stevens
Notary Public.

No. 936.

Muskogee, Indian Territory, December 8, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed a copy of the testimony in the matter of the application for the enrollment of Matilda Sloane et al., as Creek Freedmen.

The Creek Nation will be allowed a reasonable time within which to introduce evidence in the case.

Respectfully,

Commissioner.

DCS. 1-3/12.

En. 536.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 20, 1905.

-ooOoo-

In the matter of the application for the enrollment of Malinda Sloan, et al., as citizens of the Creek Nation.

APPEARANCES: MARTIN & GIDNEY, Attorneys for applicants.

ELLA McINTOSH, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A Ella McIntosh.
Q How old are you? A I cannot tell.
Witness appears to be about 45 years old.
Q What is your postoffice address? A Tallahassee.
Q Are you a citizen of the Creek Nation? A Yes.
Q Do you know the applicant herein, Malinda Sloan? A Yes.
Q How long have you known her? A For years-- I cannot tell how many---ever since I was a small girl. We stayed in the house together with my grandfather.
Q What is his name? A Tartar Grayson.
Q How old were you at the time the 1890 or $29.00 payment was made? A I do not know; I was a woman then and had children.

EXAMINATION BY BEN C. MARTIN:

Q How many children did you have? A Six children living when the $29.00 payment was made.

BY COMMISSION:

Q You say you lived in the same family with this Malinda Sloan? A Yes, we were at my grandfathers. Her mother's mother after the death of her grandfather sent this girl to wait on old Tartar Grayson.
Q Was Tartar Grayson living at the time of the $29.00 payment? No, he was not.
Q What relation are you to Malinda Sloan? A Second cousin.
Q When you say you lived in the same family do you mean you lived in the same house? A I mean in the same house--in the same yard.
Q How big a girl was she then? A A good sized girl, about twelve years old, I recon. She was big enough to be selfish.
Q Do you know Ezekiel or Zeke Grayson? A Yes, I know one.
Q Who is he? A He was some relation to grandfather. Some of his---either his first cousin or niece or something.
Q Where did he live? A About a half a mile from where my grandfather lived at that time.
Q Do you know Florena Grayson? A I know Rena Grayson.
Q Who was she? A She was this child's brother----sister.
Q Was she a sister to Malinda? A No, a sister to Zeke Grayson.
Q Do you know Anna Grayson? A I know Mamie Grayson.
Q Who was she? A She was some relation---do not know whether sister or cousin.
Q Did they live with Malinda? A They were there every day.

Q Linda Sloan left the Creek Nation for a time did she not? A Yes.
Q How long was she away? A I do not know.
Q How long has it been since you first saw her again after she went away? A About---let me see--about four or five years. I saw her off and on she would be working out--she was cooking and nursing---she was a regular nurse. We got letters from her all the time.
Q When th is woman came back and you saw her for the first time did you recognize her right away as the Malinda Grayson of whom we are speaking? A Yes, as soon as I laid eyes on her. I knew her by the scars on her face.
Q Do you remember that $29. 00 payment? A Yes, sir.
Q Do you remember how old Malinda Grayson was at that time? A No, I do not know---she was bound to be a grown woman. I was the mother of six children.
Q A little while ago you said that she was about twleve years old? A No, I said--I meant when she first came to my grandfathers.
Q Have you any idea about how old she was? A No, I cannot tell---near about my Own age---well, I don't know.
Q Was she as much as twenty years old? A I do not know.
Q Was she married? A Yes, she was married; I got a letter from her; I suppose she was.
Q She was living there was she? A No, she was not living with me.
Q She was living with Tartar Grayson, was she? A No, he was dead.
Q Was she living in the Creek Nation at the time of the $29.00 payment? A Uncle Tobe Drew's was her regular home but she just went about here and there cooking and sometimes nursing.
Q But you do not know how old she was? A No, sir.
Q Do you know this child of hers? A Elizabeth?
Q Yes? A Yes, I know.
Q Do you know how old she is? A No, I do not know that.
Q Is that her only child? A It is the only one that I know that she has.
Q Was that child living at the time of the $29.00 payment? A Yes, for I saw the child since then myself.
Q Was that child of hers born before the $29.00 payment was made? A Yes, it was born.

EXAMINATION BY MARTIN:

Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Where do you live? A At Sodom.
Q Was you born there---right there? A I was born on the Verdigris.
Q How far is that from where you now live? A Twelve or thirteen miles, I guess .
Q You have always lived in the Creek Nation? A Yes, I have lived in the Creek Nation all my days.
Q Have you been acquainted with Malinda Grayson all of her life? A Yes, ever since I ---ever since she first came here --a girl---all her life.
Q Did you know at the times she would go out of the Territory and then come back? A Yes, sir.
Q How long did she usually stay? A The longest I ever knew her to stay was a year and six months.
Q Has this always been h r home? A Yes, sir.
Q Did she make a good many of th ose trips? A Yes, she would go to Hot Springs---she hired out to cook and nurse. She would go sometimes up North but most times to Hot Springs.
Q Has this always been her home? A Yes.
Q What relation is she to Tartar Grayson, that you spoke of? A She is a grandaughter of his.

Q Who was Tartar Grayson? A He was an old fellow---a Creek citizen---a colored man.
Q Did many of h is children and grandchildren and children that were kin to him live with him? A Yes, all his children lived right here together.
Q Where did he live? A Across the Verdigris--right on the bank of the River.
Q How far did he live from here? A I don't know---we would usually call it five miles from Muskogee, or from Nivins' Boat we usually called it five miles.

BY COMMISSION:
Q Did you know Tartar Grayson's wife? A Yes, Malinda.
Q Was she living at the time of the $29.00 payment? A No.

MALINDA GRAYSON, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:
Q What is your name? A Malinda Grayson; married name is Sloan.
Q How old are you? A About 43 or 5.
Q Have you a daughter named Elizabeth? A Yes, sir.
Q Is she just about grown now? A She is about twenty, I guess.
Q Is she over twenty? A She is just about ninetwen or twenty, I know.
Q Not over twenty is she? A I will not be positive, but I can find out from my sister-in-law because my daughter is just one month older than her girl.

Witness is notified that the exact age of Elizabeth is desired, and she will be given fifteen days within which to introduce before the Commission the exact age of her daughter, Elizabeth.

Zera Ellen Parrish states upon oath that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause and that ~~this~~ the foregoing is an accurate transcript of her stenogrphic notes thereof .

Zera Ellen Parrish

Subscribed and sworn to before me this 23rd day of March, 1905.

Edw. C. Suits

En. 536.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 29, 1905.

-ooOoo-

In the matter of the application for the enrollment of Malinda Sloan, et al., as citizens of the Creek Nation.

APPEARANCE: MARTIN & GIDNEY, Attorneys for applicants.

BETTY HIGGINBOTTOM, being duly sworn, testified as follows:

EXAMINATION BY COMMISSION:

Q What is your name? A Betty Higginbottom.
Q How old are you? A 54.
Q What is your postoffice address? A Inola.
Q Do you know Malinda Grayson? A Yes.
Q Do you know a child of hers named Elizabeth? A Yes.
Q How old is that child? A Seventeen the 16th of June.
Q Have you known her all her life? A Yes.
Q Are you sure that she is not older than seventeen? A Yes.
Q How do you know? A I have a child the age of hers.
Q What is the name of your child? A Susie--she is dead now.
Q Is she enrolled? A I do not think she is; she died in '82.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to before me this 30th day of March, 1905.

Edward Sweeney
Notary Public.

No. 856.

Muskogee, Indian Territory, April 1, 1903.

Malinda Sloan,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of Malinda Sloan, et al., the Commission desires that you cause Betty Higginbottom to appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

✓

En. 536.

Muskogee, Indian Territory, April 1, 1905.

Martin & Sidney,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Malinda Sloan, et al., in which you appear as attorneys, the Commission desires that you cause Betty Higginbottom to appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Chairman.

Rn. 536.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, APRIL 21, 1905.

-ooOoo-

In the matter of the application for the enrollment of Malinda Sloan, et al., as Creek Freedmen.

APPEARANCE: MARTIN & GIDNEY, attorneys for applicants.

BIDDIE HIGGINBOTTOM, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Biddie Higginbottom.
Q Are you the same person that testified here the last part of March in this case? A Yes, sir.
Q And we called you Bettie Higginbottom then? A Yes, you made a mistake; it is Biddie not Bettie Higginbottom.
Q Do you know Malinda Grayson or Malinda Sloan? A Yes.
Q Do you know a child of hers named Elizabeth? A Yes.
Q Do you know when she was born? A Yes, in 1888.
Q How do you remember that? A I have a child that is might near the same age.
Q What is that child's name? A Susie.
Q When you testified here before you said: "Susie is dead now; she died in '82"? A Yes, there is where I made a mistake ; she died in 1902; that is where I made a mistake when I said '82.
Q Are you a citizen of the Creek Nation? A My husband is.
Q Is Susie enrolled and did she get her land? A She has never got her land yet.
Q You say that she died in 1902? A Yes.
Q How long ago is that? A I cannot tell, I do not know.
Q Has it been ten years? A No, it could not be that long.
Q You say that that child, Elizabeth, is the same age of your child? A Yes.
Q Were they both born in the same year? A Yes, and the same month.
Q That would make Elizabeth about seventeen now? A Yes.
Q Do you think that she is just about seventeen years old? A Yes.

Zera Ellen Parrish, being sworn on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the above case and that this is a full, true and correct transcript of her stenographic notes in same.

Zera Ellen Parrish

Subscribed and sworn to before me this 8th day of ~~April~~ May 1905.

Edward Gruesd
Notary Public.

En 536 I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Malinda and Elizabeth Sloane as Creek Freedmen.

DECISION.

The record in this case shows that on July 9, 1904, Malinda Sloane appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Elizabeth Sloane, as Creek Freedmen. Further proceedings were had August 2, August 29 and December 1, 1904, and March 20, March 29 and April 21, 1905.

The evidence shows that said Malinda Sloane is identified on the 1890 authenticated tribal roll of the Creek Nation and that she was a resident of the Creek Nation on June 28, 1898 and March 1, 1901.

The evidence further shows that said Elizabeth Sloane is the minor child of said Malinda Sloane; that she was born prior to April 1, 1899, and that she was living at the date of the application herein.

It is, therefore, ordered and adjudged that said Malinda Sloane and said Elizabeth Sloane are entitled to be enrolled as Creek Freedmen, in accordance with the provisions of the acts of Congress of June 28, 1898 (30 Stats., 495) and March 1, 1901, (31 Stats., 861), and the application for their enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory,

SEP 5 - 1905

Dm.836

Muskogee, Indian Territory, September 8, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Malinda and Elizabeth Sloane as freedmen of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no protest has been made said Malinda and Elizabeth Sloane will be regularly listed for enrollment as freedmen of the Creek Nation.

Respectfully, (signed) Wm O. Beall

Acting Commissioner.

AG-2

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Cr.F.5022

Muskogee, Indian Territory, October 28, 1905.

Malinda Sloane,
562 Altamont Street,
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the names of yourself and daughter Elizabeth Sloane, are contained in the partial list of Creek freedmen approved by the Secretary of the Interior October 17, 1905, and that application for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 537

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JULY 11, 1904.

In the matter of the application for the enrollment of Emma and Willie Grute as Creek Freedmen.

A. S. McRae, attorney for applicants.
M.L.Mott, attorney for Creek Nation.

Emma Grute being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Emma Grute.
Q How old are you? A Thirty two.
Q What is your post office address? A Wagoner, Indian Territory.
Q Do you make application to be enrolled as a Creek freedman? A Yes sir.
Q Have you a child for whom you wish to make application? A Yes sir, Willie Grute.
Q How old is he? A Six years old.
Q Where do you live? A Wagoner.
Q In the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Yes sir.I haven't been living in the Creek Nation all the time; I was carried out.
Q How long have you been living here this time? A Two months.
Q Where did you come from? A Gerthie Oklahoma.
Q How long did you live in Oklahoma? A Only nine months.
Q Where did you live before that? A In Arkansas.
Q How long did you live in Arkansas? A From 12 years old up to last September.
Q Where were you born? A In Okmulgee, Indian Territory.
Q Were you carried away from the Creek Nation? A Yes sir.
Q How old were you? A About 12 years old.
Q Did you live in the Creek Nation from the time of your birth until you were 12 years old? A Yes sir.
Q What is the name of yourmfather? A Jared Bruner.
Q Is he living or dead? A Dead.
Q How long has he been dead? A About 11 or 12 years.
Q Was he a citizen of the Creek Nation? A Yes sir.
Q To what town in the Creek Nation did he belong? A He belonged in Okmulgee.
Q You don't know the town? A No sir.
Q What is the name of your mother? A Mitia Bruner.
Q Was she a citizen of the Creek Nation? A Yes sir.
Q Were your father and mother citizens of the Creek Nation? A They were both here; I don't know whether she was of the Creek Nation or not; they were both living here; they were married here.
Q Is your mother living? A She's dead.
Q Did you ever draw any money from,the Creek Nation? A No sir.
Q Were you ever admitted to citizenship in the Creek Nation by any authority? Did you ever go anywhere to get to be admitted to citizenship in the Creek Nation? A No sir.

Q Was your father a slave? A Yes sir.
Q To whom did he belong? A He belonged to the Bruners.
Q Who took you away from the Creek Nation? A My father carried me away
Q Where did your father live when he died? A He was in Louisiana; he went to Arkansas to live and went to Arkansas to work and died there.
Q He took you away when you were about 12 years old? A Yes sir.
Q Did he ever return to the Creek Nation? A About once I believe.
Q Did he ever return here to live? A No sir, not after he took me away.
Q Did your father ever go by any other name? A Yes sir, after he got down in the States they called him Jared Edwards.
Q Did he ever go by any other given name except Jared? A Not that I know of; he changed one portion of his name; he might have changed the other too.

The Dunn Roll examined and no person by the name of Jared Bruner identified thereon, nor is any person whose first or given name is Jared found thereon.

Q What is the name of Willie's father? A Lawrence C. Crute.
Q Do you make any claim that he is a citizen of the Creek nation?
A No sir.
Q He is a state man is he? A Yes sir.

Examination by Mr. McRae:

Q I would ask you, Mrs. Crute, if you had any knowledge of your father leaving the Creek Nation, Indian Territory, at any time prior to his removal from the Territory with you at the time he said he taken you away? Had he been here in the Creek Nation all the time before that?
A Yes sir.
Q You stated that you were a girl about 11 or 12 years old when you were carried away- is that correct? A Yes sir.
Q Have you any recollection of, your father living with your mother and family at Okmulgee before you left? A When he carried me away they were living together.
Q That's been about 20 odd years ago? A Yes sir.
Q Did you ever hear your father state at any time that he was a citizen entitled to rights and benefits in the Creek Nation? A Yes sir.
Q Did you ever hear him make any statements why he never returned to the Creek Nation to come into possession of those rights and benefits?
Q He always said he intended to come back but never did go back.
Q Your family information is that your father and mother were married at Okmulgee, Creek Nation, Indian Territory? A Yes sir.
Q Are there any children born to your mother and father other than yourself, older than you? A Yes, one.
Q About how old is he? A I guess about 37 or 38.
Q What is his name? A George Bruner.
Q Is he living or dead? A Living.
Q Where does he now reside? A In about somewhere in Louisiana. I don't know where.
Q Did you ever claim any other place or country as your home other than the Creek Nation? A No sir.

Tobe McIntosh being duly sworn, testified as follows:

Examination by the Commission:

Q What your name, age and post office address? A Muskogee is my post-

office;Tobe McIntosh my name;about 65.
Q Do you know Emma Crute? A Yes sir.
Q How long have you known her? A I remember him when he was a girl about so high(indicating about three feet); I never seen him since till about three months ago.
Q You are a citizen of the Creek Nation yourself? A Yes sir.
Q How long have you lived in the Creek Nation? A All my life.
Q Did you know Emma Crute's father and mother? A Yes sir, I remember them.
Q What was the name of her father? A That's a funny name that Bruner had;- I never could think of that name--I know him well though-- I knowed him at Okmulgee.
Q You heard her give the name here a while ago didn't you? A No, I never heard it.
Q Was it Jared? A That's right.
Q When did you first get acquainted with him? A I knowed him all my life near; knowed his number.
Q What was the name of his owner? A Alex Redmouth--- Bruner.
Q Do you know whether Jared Bruner was ever recognized as a citizen of the Creek Nation? A Yes sir.
Q To what town did he belong? A Big Spring.
Q That is Jared Bruner? A Yes sir.
Q Well, he must have been a Creek by blood then? A I don't know about thatbut that's the town they claimed. All the bad blood was Big Spring?
Q There are only three colored towns and the balance are all blood towns of course there are some Indians belonging to colored towns and so on; Was Jared Bruner recognized as a Creek Freedman or as a Creek by blood? A As a creek by blood- though they was a Bruner belonging to the Big Spring- that's truetrue.
Q Was he a slave? A Yes sir.
Q Was Jared Bruner taken away from here during the war? A Yes sir, they went away from here during the war; went with Mike Bruner; he was the first man owned him, and then the old Redmouth after him.
Q Did he come back after the war? A Yes sir.
Q Do you know what time he came back? A I think it was about two years after the war;it was so long?- my remembrance comes and goes- and you folks bothers me so much; it was some years after the war.
Q Do you know whether he ever drew any money from the Creek Nation or not? A I don't remember that.
Q Do you remember about the time he left the Creek Nation? A Yes, I believe I do.
Q About how long ago was that? A I think it was about as far as my knowledge 20 odd years ago; can't tell exactly; you white folks knows every minute and every hour you knows, but I am just propheszying.
Q Did you know Emma Crute's mother? A Yes sir.
Q What was her name? A I knowed that gal's mother as well as I do mine; but I don't remember the name.
Q Was she a recognized citizen of the Creek Nation? A Yes sir; she was; both belonged to one man.
Q Did they call her Bruner before she was married? A Yes sir, they goes by the mother's name.
Q To what town did Nishia belong, do you know? A They both belonged to the same town; in that town his wife would belong to the same town his wife does.
Q Was she carried away during the war? A Yes sir.
Q Did she come back about the same time Jared did? A Yes sir.
Q Did they come back together? A Come back together.
Q She left the Creek Nation when her husband did did she?A Yessir; they were living in the Bruner home when the war broke out and when they came backthey lived at Okmulgee;didn't go back home at all.

The Dunn Roll examined and the name of no person answering the description of the mother of the applicant found thereon.

Examination by Mr. McNeal:

Q Now, Mr. McIntosh, did you see Jaret Bruner and his wife, Mishie, in the Creek Nation, Indian Territory, any time during the year '66 or '67? A Yes sir.
Q That was after they had returned- come back? A Yes sir.
Q Did you continue to see them in the Creek Nation any time after that? A Yes sir.
Q Up until the time he left and took this girl? A I seen him from the time we went to council up to the time he took that girl away, as I was a member of the council.
Q Can you state any reason why her name or his name does not appear upon the Dunn Roll? A I can; my opinion is they went away before that roll was open; I think that they were out of the Creek Nation at the time the roll was made.

Henry G. Haines being sworn ~~xxxxxxx~~ on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 25th day of July, 1904.

Charles McLawyer

Notary Public.

O. D.

En. 537.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma and Willie Crute as Creek Freedmen.

-: SUPPLEMENTAL STATEMENT :-

The Tribal rolls of the Creek Nation in the possession of the Commission examined and neither of the applicants herein identified on any of said rolls.

Records of the proceedings of the Colbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or either of them, to citizenship in the Creek Nation.

Records of the proceedings of the Commission to the Five Civilized Tribes under authority of the Act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or either of them, to citizenship in the Creek Nation.

Chairman.

Muskogee, Indian Territory.
October 7, 1904.

C.D.

Mn. 837.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma and Willie Crute as Creek Freedmen.

-: D E C I S I O N :-

The record in this case shows that on July 11, 1904, Emma Crute appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Willie Crute, as Creek Freedmen. Further proceedings were had October 7, 1904.

The evidence shows that neither of the applicants is the descendant of a person whose name appears on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

The evidence further shows that neither of the applicants has ever been enrolled as a citizen of the Creek Nation, nor have they, or either of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory; and that no claim is made that the father of said Willie Crute is entitled to enrollment as a Creek citizen.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Emma Crute and Willie Crute, or either of them, as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.
JAN 4 1905

Creek Rn 532

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Creek Rn 532

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 14, 1905.

Emma Crute,

Wagoner, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor child, Willie Crute, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully.

Chairman.

Register.

JYM-14-16.

Creek En 557

Muskogee, Indian Territory, January 14, 1906.

A. B. McKay,

Attorney for Anna Crute,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Anna Crute, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-14-17.

Creek Bk 857

Muskogee, Indian Territory, January 14, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Emma Crute, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-14-18.

Creek En 557

Muskogee, Indian Territory, January 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Emma Grute, et al., as Creek Freedmen, including the decision of the Commission, dated January 4, 1905.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYM-14-19.

Refer in reply to the following:
Lands 4267-19 05.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, January 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 14, 1905, transmitting the record of the application, made July 11, 1904, for enrollment as Creek Freedmen by Emma Crute for herself and her minor child, Willie Crute.

January 4, 1905, the Commission decided adversely to the applicants.

The record shows that neither applicant is the descendant of a person whose name appears on the Dunn Roll; that no prior application has been made and that neither has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.M. W.

I.T.D. 1152-1905. JP. RJR . IRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 14, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On January 14, 1905, you transmitted the record in the matter of the application for the enrollment of Emma Crute and Willie Crute as Creek Freedmen, including your decision of January 4, 1905, adverse to the applicants.

Reporting in the matter January 31, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is herewith inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Mn. 667.

Muskogee, Indian Territory, February 16, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application of Emma Crute for the enrollment of herself and minor child, Willie Crute, as Creek Freedmen.

Respectfully,

Commissioner in Charge.

No. 537.

Muskogee, Indian Territory, February 28, 1906.

Emma Crute,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 14, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for the enrollment of yourself and minor child, Willie Crute, as Creek Freedmen.

Respectfully,

Commissioner in Charge.

Rm. 537.

Muskogee, Indian Territory, February 28, 1905.

A. S. McRae,

Attorney for Emma Crute, et al.,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application of Emma Crute for the enrollment of herself and minor child, Willie Crute, as Creek Freedmen.

Respectfully,

Commissioner in Charge.

CR EN 538

CR EN 538.

(Copy)

DEPARTMENT OF THE INTERIOR
Office of the Assistant Attorney-General

1903.

J.R.W.
W.C.R.
S.W.T.

Washington, December 23, 1903.

The Secretary of the Interior.

Sir:

I am in receipt by reference of the Acting Secretary, November 11, 1903, of the papers, with request for my opinion, in the case of Dan Campbell, applicant for enrollment as a Creek freedman. April 17, 1903, the Commission to the Five Civilized Tribes found that Campbell was about thirty-three years old at the hearing June 3, 1902; that his grandmother, Tina Cousins, is found on the Dunn roll of 1867 of Creek freedmen, but that the names of neither of his parents are there found; that it did not appear that the applicant himself was ever enrolled or admitted to citizenship by the tribal authorities, the Commission, or the United States courts. The Commission set out the provision of the act of May 31, 1900 (31 Stat., 221, 236), that

it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final, when approved by the Secretary of the Interior.

October 29, 1903, the Indian Office transmitted the record and expressed the opinion that the application should be denied, but upon other grounds, viz: that neither of Campbell's parents are identified upon the Dunn roll of Creek freedmen of 1867.

The act of March 1, 1901 (31 Stat., 861, 869-70), directed the Commission to enroll all citizens living April 1, 1899, who were entitled to be enrolled under section 21 of the act of June 28, 1898 (30 Sta., 502). This agreement and act were subsequent to the provision cited by the Commission as ground for [illegible] involves the absurdity that Congress in May, 1900, excluded the Commission from jurisdiction to consider matters it expressly committed to them March 1, 1901. Manifestly the act of 1900 can not have such interpretation. As the agreement and act of March 1, 1901, ratifying it, were subsequent to the act cited that act certainly could not preclude them from discharge of the duties imposed by the later act. The later act did not restrict the Commission to enrollment of such persons only as had been properly enrolled under section 21 of the act of 1898, but directed enrollment of all persons living April 1, 1899, who were entitled to be enrolled under the section named. This in effect made section 21 of the act of 1898 part of the act of March 1, 1901, as though in terms re-enacted, as to the Creek Nation, and required enrollment of all persons eligible under section 21 of the act of 1898, whether previously enrolled or not. The Commission erred in deeming itself precluded from considering the case by the provisions of the act of 1900, cited by the Commission as the ground of its action.

Section 28 of the act of March 1, 1901 directed that:

28. No person, except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement.

All citizens who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under section twenty-one of the act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, ... shall be placed upon the rolls to be made by said Commission under said act of Congress, . . .

Section 21 of the act of June 28, 1898 (30 Stat., 505), as to Creek freedmen, provides that:

The roll of Creek freedmen made by J.W.Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation.

If Campbell was within the meaning of this section a descendant born since March 14, 1867, to one whose name is found on the Dunn roll, he should have been admitted to enrollment. He was shown to be the grandchild of Tina Cousins, whose name appears upon the Dunn roll as also do those of her children Jupiter, Bina, and Flora Cousins, but that of Phyllis Cousins, the applicant's mother, sister of Jupiter, Bina, and Flora, does not appear, nor yet the name of Phyllis Campbell, or that of the applicant's father, Budkin Campbell.

The natural import of the provision "descendants born since the date of said roll to persons whose names are found thereon" is that the parent, or nearest ancestor living at the date of such roll, is the "person" intended through whom the applicant must obtain his right

It is obvious that a grandparent might properly be enrolled and the parent be ineligible and not enrolled because not resident of the territory.

The evidence is exceedingly meager, and the Commission seems to have made little effort to adduce the facts, due probably to its impression that it had no jurisdiction to consider the case. Tobe McIntosh testified that he knew the applicant's mother well, that they were close neighbors, and that she was a citizen of the Creek Nation; that she used to belong to the Arkansas district, but some of those there went over to the Canadian district, and her name might perhaps be found there. He does not know if she was living in 1867.

Flora Hill, sister of Campbell's mother, testifies that Dan Campbell's mother does not appear on the Dunn roll, because she was not here when the Dunn roll was made out. She lived in the Creek Nation "till they carried her away down to Jefferson. Dan Campbell has always lived in the Creek Nation with us, he is my sister's son."

The applicant testified that his age June 3, 1902, was thirty-two or thirty-three; that he has lived in the Creek Nation about thirty years, except when sent away on a seven years' term of imprisonment at Detroit; that his mother's name was Phyllis, but was not Phyllis Campbell. He does not know the balance of her name. She has been dead about thirty years, he was a little fellow when she died; that he has always been recognized as a Creek citizen by birth, and by virtue of the treaty.

More effort should have been made to ascertain the name by which his mother was known and the whereabouts of her residence at and prior to the making of the Dunn roll in 1867, whether she was entitled to be enrolled or not, or eligible to be enrolled, the time of the applicant's birth, and of his mother's death, and the character of tribal recognition of him as a Creek citizen. If his mother was entitled to be enrolled, and the applicant was born and reared in the territory, and has been recognized by the tribal authorities as a Creek citizen, the question might arise whether he is not entitled to enrollment.

If the case is to be determined upon the exceedingly meager record presented, the application must be rejected for reasons stated by the Indian Office letter of October 29, 1903. But I am strongly impressed by the suggestive points in the evidence, above indicated, which were not sufficiently pursued by the Commission, that material facts may exist which were not elicited, and that the applicant should be given further opportunity to show his right.

Very respectfully,

Frank L. Campbell,
Assistant Attorney-General.

Approved: December 23, 1903.

E. A. Hitchcock,
Secretary.

[illegible] Attorney for [illegible]

Rena Scott being duly sworn, testified as follows:

(Statement by Mr. Rastain: The basis of our claim is this- Rena Conway is making application as a Creek Freedman claiming to have enrolled with the tribe; she does not claim that her name is on any of the Creek rolls, the Dunn roll or any other Creek rolls.
Q (By Commission) You claim that she was eligible to be enrolled on the Dunn Roll? A Yes sir;she should have been enrolled on the Dunn Roll but was not.)

Examination by the Commission:

Q What is your name? A Rena Scott.
Q What is your age? A Forty five.
Q What is your post office address? A Mannford.
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.
Q Have you some children for whom you wish to apply? A Yes sir.
Q What is the name of the eldest child under age? A Sim.
Q How old is he? A Nineteen.
Q Next? A Rena.
Q How old is she? A Eighteen.
Q Is she married? A No sir.
Q What is the name of the next? A Walter.
Q How old is he? A Thirteen.
Q Next? A George.
Q How old is he? A Twelve.
Q Next? A Barney.
Q How old is he? A Ten.
Q Next? A Aint no more- Mary- she is dead;died last August a year ago the 28th; she was thirty;she was single and never married and always lived with me; my sister was with me all the time. Mary was my sister.
Q What is the name of your father? A Frank Conard.
Q Was he a Creek by blood? A Yes sir, so said.
Q Was he a citizen of the Creek Nation? A Yes sir.
Q Is he living or dead? A Dead.
Q How long has he been dead? A I don't know; mighty long time.
Q Died before or after the War? A Since the War I can remember.
Q To what town in the Creek Nation did he belong? A Tuskegee.

[illegible] the war? A [illegible]
[illegible] sir.
[illegible] after the war.
[illegible] after the War? A I don't know sir how long but when we come [illegible]
[illegible] here.
[illegible]? A Here in this country.
[illegible] name did you belong? A Frank Canard.
[illegible] was your father? A That's what they say.
What was the name of the father of your children? A William Mathews, they called him; he is a white man.
Are you and William married? A We was before he died.
Have you ever been before the Commission before this time? A No sir.
You don't claim that William was a citizen of the Creek Nation? A No sir.
You are part Creek by blood, are you? A That's what they say; I don't know; I am just telling you what they told me; they told me my daddy was Creek.
Did your father belong to Tuskegee Canadian or Tuskegee Arkansas? A Canadian.

Examination by Mr. Mastain:

You live in the Creek Nation now, don't you? A Yes sir.
Have lived here all your life, have you, except what little time you were in the Choctaw Nation? A Yes sir, ever since I am big enough to know I have been here; only when I go out and work, I always left my children here and I would go out and work and come back.

Examination by Mr. Mott:

How old are you? A Forty five, as near as I can come at it; I can't read nor write.
How old were you the first time you went out of the Creek Nation? I was a woman grown.
How long did you stay out? A I just stayed out and worked two or three months at a time and came back to see about my children.
Left your children? A Yes sir.
Ever take them out? A No sir.
You were 5 years old then in '66 were you? A Does, I tell you I don't know; I never could remember all of that, but older ones told me.
When did your father die? A I don't know sir; but since the war [illegible], I can't tell you what years.
Was it after the Dawes roll was made? A I know it was.
Was he on the roll? A No; as I ever know of.
Was he a full blood Creek? A Yes sir, he went by full blood.
What was your mother, a full-blood woman? A Yes sir, colored woman.
Do you know why you were not put on the Dawes roll? A I wasn't here, I was in [illegible]; I was not anywhere about Texas working.
Where were you during [illegible] you were not here? A Working [illegible] for

[illegible] see what was before me.

By the Commission:

Q You say you was carried to Texas during the War? A No sir; since then.
Q Where were you carried during the War? A Down in Red River Choctaw Nation.
Q Did you come back before the Dunn Roll was made? A Yes sir, come back directly after the war; I can't be positive whether I was here in the Dunn Roll or not; I know I wasn't during the rolls I think I was out of the Creek Nation; times was hard then and we had to go somewhere to make a living to feed them children.
Q Where was your mother when the Dunn roll was made? A Dead.
Q You say your sister died last August a year ago? A Yes sir.
Q How old was she when she died? A As near as I can come at it I think she was thirty years old; I can't just exactly tell; she was right ageable; I can't date nothing down; I just guess.
Q Were you married when you came back from Red River? A No sir.
Q Where did you marry? A Down here where I live all the time.
Q In the Creek Nation? A Yes sir.

Examination by Mr. Hott:

Q Have you got any relatives that you know of that's on the roll?
A I don't know.
Q What living relatives have you got besides these children? A I have got some uncles I guess on the rolls somewhere.
Q What's their names? A Sam Canard I guess he is on the roll somewhere
Q Any other uncles? Did you ever hear say he was on the roll? A Yes sir.

By the Commission:

Q Is he living? A Yes sir.
Q Freedman or Creek by blood? A By blood.

By Mr. Hott:

Q Did he ever talk to you about trying to get on the roll? A Yes sir.

Examination by Mr. Wantain:

Q Do you know when the Dunn roll was made? A No sir; I was working and never learned.

Tobe Mulkah being duly sworn testified as follows:

Examination by the Commission:

Q [illegible] A [illegible]
Q [illegible] A [illegible] my age; somewhere along [illegible] at the door of [illegible].
Q What is your post office address? A Muskogee.
Q Do you know Etta Scott? A Yes sir.
Q How long have you known her? A I knowed her before the War; I will say that.
Q Have you known her since the War? A Yes sir.
Q Did you know her father and mother? A Yes sir.
Q What was the name of her father? A We calledhim Canard.
Q What was his given name? A Tom I believe we called him.
Q Was he a Creek by blood? A I should smile he was; full blood Creek and had slaves too.
Q What town did he belong to? A If I am not misteken I think he belong to the Tuskegee;I can't swear it now.
Q What was the name of Etta's mother? A Mary.
Q Was she a slave? A Yes sir.
Q To whom did she belong? A To the same man.
Q They are both dead, are they? A Yes sir; the man's dead and the woman is dead.
Q About what time did her father die- do you remember? A Well, by my humble opinion I think he died before the roll was taken.
Q Before the Dunn Roll? A Yes sir.
Q About what time did her mother die? A I believe, if I am not mistaken, at the time we commenced taking the Dunn Roll. Th time that we commenced on the Dunn roll that her mother was sick, we heard but that she appeared there I can't tell you, cause it was out and in and I can't tell, but he was there, but I don't think she was on the Dunn Roll.
Q Was her mother here in the Creek Nation when the Dunn Roll was made? A Yes sir.
Q Was this woman here? A She was here with her.
Q Did Etta afterwards go out of the Creek Nation? A Yes sir.
Q Where did she go- do you know? A I can't tell you but I have always heard it was on Red River in the Choctaw Nation.
Q Do you know why their names were not on the Dunn Roll? A No sir, her name is not on the Dunn Roll.
Q Why? A I can't tell you; her father and mother was dead and I suppose they didn't have anybody to tend to it;she didn't know what roll- she didn't know A-B-C; she just went on with her work until they told her she had a chance to get on.
Q You are positive that she was herewhen the Dunn roll was made? A Yes sir, she was here.

Sarah Jane Nolen being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sarah Jane Nolen.
Q How old are you? A Fifty five.
Q What is your post office address? A Sapulpa.
Q Do you know Etta Scott? A Yes sir.
Q How long have you known her? A Its been a long time; forty years, maybe more.

Q [illegible] A
Q [illegible] A Yes sir.
Q [illegible]
Q [illegible] A [illegible]
Q [illegible]
Q [illegible] A [illegible]; if he has got any
Q [illegible]
Q [illegible] A I don't [illegible]
[illegible]; he [illegible]
Q What was the name of Etta's mother? A Big Mary was what we called her because she was a big fleshy woman; she went by Big Mary.
Q She was a slave of Frank Gamard, was she? A Yes sir.
Q And carried away during the war? A Yes sir; up at Red River in Chickasaw Nation or Choctaw- no its Chickasaw.
Q Do you know what time she got back here? A No sir, just directly after the Peace was made; when the others came back they come back right away that fall; I don't recollect what time peace was made but all the Creeks came back that Fall.
Q Did you see Etta at that time? A Yes sir; Gamard brings them allmback.
Q Was Etta and her mother along with them at that time? A Yes sir, of course.
Q Has Etta been living in the Creek Nation ever since that time? A Well, I didn't come back right away when they all come back but I found them up here in Tarskegee when I come back; I didn't come back for several years.
Q Well, you don't know whether they came back except what someone told you? A Yes sir; but I stayed down there.
Q They left down there the same year the war ended? A Yes sir; but it was a good while when I came back; she never been out of the Creek Nation except when she gone out to work for her children; to make a living.
Q Did they live near you when you were down on Red River? A Yes sir, all down there close together.

Examination by Mr. Hastain:

Q Did you know her sister, Mary, too? A Yes, I knew her.
Q Where did she live? A She stayed with them.
Q She lived with Etta and their mother? A Yes sir.
Q Was she single or married when she died? A Single when I knew them; they got to moving around; I don't know how old she was; I can't tell that.
Q Do you remember whether Mary was born before or since the War? A I don't recollect that; that's hard for me; I can't tell you that at all;
Q Can you remember whether Mary was down on Red River or not? A I don't recollect her age but I know this one well.
Q Did you know Mary at the time she died? A Yes sir.
Q How long has Mary been dead? A I think last August was a year ago; I lost all my folks and I am forgetful, to tell the truth.
Q Do you know when Mary's mother died? A She has been dead a long time; about thirty years.

Examination by Mr. Mott:

Q Who was said to be Mary's father? A Well, the same man I guess.
Q Who was it? A Frank Gamard.
Q Who was said to be this woman's father? A Frank Gamard.
Q Was Frank a full blood? A Yes sir; he was not quite a full blood.
Q How many slaves did he own? A I don't recollect; he had right smart though.
Q Was he well off? A Yes sir.
Q Up to the time he died? A Yes sir.
Q What did these people leave him and go down in the Chickasaw Nation [illegible]

By the Commission:

Q Did you ever draw any money from the Creek Nation? A No sir.
Q Were you ever admitted to citizenship in the Creek Nation? A No sir.

Henry G. Haines being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 25 day of July, 1904.

Charles Hetherington

Notary Public.

In the matter of the application for the enrollment of [illegible] Creek Freedmen.

SUPPLEMENTAL STATEMENT

The roll of Creek Freedmen made by J. W. Zevely prior to March 14, 1906, examined and the applicants, Rena Scott and Mary Canard, deceased, or either of them, or the mother of said applicants, not identified on said roll.

The record of the proceedings of the Dolbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

The records of the proceedings of the Commission to the Five Civilized Tribes under authority of the Act of Congress, June 10, 1896, examined and it does not appear that application was made to the Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

The tribal rolls of the Creek Nation in the possession of the Commission examined and the applicants, or any of them, not identified on any of said rolls.

Commissioner

Muskogee, Indian Territory,

December 10, 1904.

[redacted]

[redacted]

Sir:

July 11, 1904, Etta Scott appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her five minor children, Ola, Ada, Walter, George and Larney Mathews, and her sister, Mary Gumard (deceased), as Creek Freedmen.

March 15, 1905, said Commission decided adversely to all the applicants.

April 19, 1905, the record and decision in the case were transmitted to the Department for consideration and review.

June 23, 1905, the Department [redacted] the record in the case, stating in its letter of transmittal (I.T.D.4040-1905):

"In view of the approved opinion of the Assistant Attorney General for this Department, dated December 23, 1903, in the case of Dan Campbell for his enrollment as a Creek Freedman, there is remanded to you the record in the matter of the enrollment of Etta Scott, et al, as Creek Freedmen, transmitted with your letter of April 19, 1905, with instructions to give applicants an opportunity to submit further testimony to show whether Etta Scott, the principal applicant, and her mother, who were slaves of Frank Gumard, a full-blood Indian, a Creek slave-holder, who were taken out of the Creek Nation during the War and returned thereto in the Fall that peace was made when soldiers were still in the country thereabouts, and who were present in the Nation at the time the Dunn Roll was made

[illegible]

July [illegible], 190[illegible], the parties in interest were informed of the action of the Department, and were notified to appear before the Commissioner to the Five Civilized Tribes, at Muskogee, Indian Territory, August 3, 1906, for the purpose of submitting testimony tending to show whether or not said Etta Scott and her mother were eligible to be enrolled on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867.

July 27, 1906, Etta Scott in person and by attorney, with the consent of the attorney for the Creek Nation, appeared before this office and submitted testimony in the case. The Creek Nation was represented at the hearing by attorney [illegible]

Article 2 of the treaty of 1866 provides:

> "......and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens (thereof) shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection

[illegible]

[illegible] of the lands, [illegible] by J. T. Dunn, prior to [illegible], 1902.

The opinion of the Assistant Attorney General in the Dunn Connell case, which is referred to in the Department's letter transmitting this case, so far as it relates to the question of eligibility to be enrolled on the Dunn roll, is as follows:

> "No effort should have been made to ascertain the name by which his mother was known and the whereabouts of her husband at and prior to the making of the Dunn roll in 1902, whether she was enrolled or not, or eligible to be enrolled, the time of the applicant's birth and of his mother's death, and the Creek or tribal recognition of him as a Creek citizen. If his mother was entitled to be enrolled and the applicant was born and reared in the Territory and has been recognized by the tribal authorities as a Creek citizen, the question will arise whether or not he is entitled to enrollment."

It will be observed that this opinion assumes but does not decide the question whether mere eligibility to be enrolled on the roll of Creek Freedmen made by J. T. Dunn entitles the applicant to enrollment on the final roll of Creek Freedmen now being prepared.

Section 28 of the Act of Congress of March 1, 1901 (31 Stats., 861), provides that--

> "No person, except as hereinafter provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement. All citizens who were living on the first

December 5.

of April, eighteen hundred and ninety-nine, entitled to be enrolled under section 21 of the act of Congress approved June 28, 1898,..... shall be placed upon the rolls to be made by said Commission under said Act of Congress,....."

Section 21 of the Act of Congress of June 28, 1898, (30 Stats. 495), as to Creek Freedmen, provides:

"The roll of Creek Freedmen made by J.W.Dunn, under authority of the United States, prior to March 14,1867, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

The question as to whether the eligibility of a person to be enrolled upon a certain roll comes within the meaning of a provision of law requiring the name of a person to appear upon said roll, left open in the opinion of the Assistant Attorney General in the Dan Campbell case, was decided by that officer in his opinion approved by the Department in the case of William Durant (I.T.D.1678-1905). William Durant was born during the year 1902, was apparently living March 4, 1905, andwas the minor child of one Edmund Durant. Edmund Durant was eligible to be enrolled as a Creek Freedman, and a decision enrolling him as such was, on February 7, 1905, forwarded to the Department for review and con-

sideration. The enrollment of said Edmund Durant was not, however, approved by the Department until subsequent to March 3, 1906.

The Act of March 3, 1905 (33 Stats., 1071) provides:

"That the Commission to the Five Civilized Tribes is authorized for sixty days after the date of the approval of this act to receive and consider applications for enrollment of children born subsequent to May twenty-five, nineteen hundred and one, and prior to March fourth, nineteen hundred and five, and living on said latter date, to citizens of the Creek tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children."

The opinion of the Assistant Attorney General in said case is in part as follows:

"The law now under consideration is plain and explicit. Those for whom application may be received are children of or citizens of the Creek tribe of Indians, whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act. This wording leaves no room for construction or for appeal to other statutes upon the same subject matter to ascertain the meaning thereof. It is true that where a particular construction of a statute will occasion great inconvenience, or produce inequality and injustice, that view is to be avoided if another and more reasonable interpretation is present in the statute (Knowlton vs. Moore, 178 U.S.). That rule cannot be properly invoked here, because the words used will admit of only one construction. The fact that a law seems to be illogical, unwise and to work inequality and injustice does not give the courts or the executive departments license to read into it words and sentences that might make it accord with their views of what the law ought to be. This Department has no power to say that this law means other than the words indicate or to construe it to include any class of persons other than children of citizens of the Creek

The applicants in this case do not come within the provisions of Section 21 of the Act of Congress of June 28, 1898 (30 Stats., 495), nor are they, or any of them, the children of persons coming within the provisions of said act.

Following the ruling of the Assistant Attorney General in the case of William Durant, above referred to, that "The fact that a law seems to be illogical, unwise and to work inequality and injustice does not give the courts or the executive departments license to read into it words and sentences that might make it accord with their views of what the law ought to be," I am of the opinion that the enrollment of said Etta Scott and her mother to be enrolled upon the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, does not confer upon the applicants in this case any right to enrollment on the roll of Creek freedmen now being prepared by this office, and therefore, respectfully recommend that the decision of the Commission to the Five Civilized Tribes of March 15, 1906, denying the application for enrollment as such of Etta Scott, her minor children,

[illegible] 5.

[illegible], [illegible], [illegible], George and [illegible] [illegible], and her sister,

Mary [illegible] (deceased), be affirmed.

Respectfully,

Through the
Commissioner of Indian Affairs.

In the matter of the application for the enrollment of Etta Scott, Sim Mathews, Walter, George and Larney Mathews and Mary Canard, deceased, as Creek Freedmen.

DECISION.

The record in this case shows that on July 11, 1904, Etta Scott appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her five minor children, Sim, Ada, Walter, George and Larney Mathews, and her sister, Mary Canard, deceased, as Creek Freedmen. Further proceedings were had December 10, 1904.

The evidence shows that said Etta Scott was forty-five years old at the date of the application herein, that she is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, and that said Mary Canard, deceased, is not identified on said roll.

The evidence further shows that said Sim, Ada, Walter, George and Larney Mathews are the minor children of said Etta Scott; that said minor children, or any of them, or said Mary Canard, deceased, are not the descendants of a person whose name appears on said Dunn Roll; and that no claim is made that the father of said minor children is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that the applicants, or any of them, have ever been admitted to citizenship in the Creek Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Etta Scott, Sim Mathews, Ada Mathews, Walter Mathews, George Mathews, Larney Mathews, and Mary Canard, deceased, or any of them, as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,
MAR 15 1905

Muskogee, Indian Territory, April 18, 1900.

[illegible]

[illegible]

Ashford, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and your five minor children, Sim, Ada, Walter, George and Lermay Mathews, and your sister, Mary Canard, deceased, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case in this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.
TM-1-19-60.

[illegible]

[illegible] herewith transmit the record of proceedings in the matter of the application for the enrollment of Ella Scott and her five minor children, Sim, Ada, Walter, George and Lainey Matthews, and her sister, Mary Cowart, deceased, as Creek Freedmen, including the decision of the Commission, dated March 15, 1909.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

12-4-19-63.

[illegible] Territory, [illegible], 1906.

[illegible],

Attorney for Etta Scott et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Etta Scott and her five minor children, Sim, Ada, Walter, George and Lorney Mathews, and her sister, Mary Canard, deceased, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc-1-12-61.

[illegible], Indian Territory, [illegible] 190[illegible].

[illegible] L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Etta Scott and her five minor children, Sim, Ada, Walter, George and Barney Mathews, and her sister, Mary Canard, deceased, as Creek Freedmen, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review the decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

IM-4-19-02.

Muskogee, May 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated, April 19,1905, transmitting the record of the application made July 11,1904, for enrollment as Creek Freedmen by Etta Scott and her five minor child, Sim, Ada, Walter, George and Lamey Mathews, and for her sister, Mary Canard, deceased.

March 15, 1905, the Commission decided adversely to all the applicants.

The record shows that Etta Scott was forty five years old at the date of application and that she is not identified on the Dunn Roll, nor is Mary Canard. The record further shows that none of the applicants is a descendant of a person whose name appears on said roll, and no claim is made that the father of the minors is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from the record that any of the applicants has been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C.F.Larrabee,
Acting Commissioner.

M.M.M.W.

M.

N.T.D. [illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 22, 1906.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen,

In view of the approved opinion of the Assistant Attorney General for this Department dated December 23, 1903, in the case of Dan Campbell for his enrollment as a Creek Freedman, there is remanded to you the record in the matter of the enrollment of Etta Scott et al., as Creek Freedmen transmitted with your letter of April 19, 1905, with instructions to give applicants an opportunity to submit further testimony to show whether Etta Scott, principal applicant, and her mother, who were slaves of Frank Canard, a full-blood Indian and large slaveholder, who were taken out of the Creek Nation during the war and returned thereto in the fall that peace was made, when soldiers were still in the country thereabouts, and who were present x in the nation xf at the time the Dunn Roll was made but were not enrolled thereupon, were eligible to enrollment, and should have been enrolled xpx upon the Dunn Roll aforesaid.

The record is returned to you through the Indian Office.

Respectfully,

(Signed) E.A.Hitchcock,

Secretary.

Muskogee, Indian Territory, July 17, 1906.

Mrs. Emma,

Manford, Indian Territory.

Dear Madam:

June 23, 1905, the Department remanded the matter of the application for the enrollment of yourself and your minor children, Sims, Ada, Walter, George and Larney Mathews, and your sister, Mary Canard, deceased, as Creek Freedman.

You are hereby notified to appear before the Commissioner to the Five Civilized Tribes on August 3,1906, at his office in Muskogee, Indian Territory, for the purpose of submitting further testimony tending to show whether you or your mother were eligible to enrollment and should have been enrolled on the roll of Creek Freedmen made by J.W.Dunn prior to March 14,1907. The Creek Nation will be permitted to introduce evidence at the same time and place.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July [illegible], 1908.

W. L. Mart,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

June 23, 1908, the Department remanded the matter of the application for the enrollment of Etta Scott, her minor children, Simm, Ada, Walter, George and Larney Mathews, and her sister, Mary Canard, deceased, as Creek Freedmen.

You are hereby notified that the case is set for hearing at the office of the Commissioner to the Five Civilized Tribes in Muskogee, Indian Territory, August 3, 1908, for the purpose of submitting testimony tending to show that Etta Scott and her mother were eligible to enrollment and should be enrolled.

The Creek Nation will be permitted to introduce evidence at the same time and place.

Respectfully,

Commissioner.

Muskogee, Indian Territory, [illegible]

Muskogee, Indian Territory.

Dear Sir:

June 23,1906, the Department remanded the matter of the application for the enrollment of Etta Scott, for her minor children, Sims, Ada, Walter, George and Lamey Mathews, and her sister, Mary Canard, deceased, as Creek Freedmen.

You are hereby notified to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, August 3,1906, for the purpose of submitting testimony tending to show that Etta Scott and her mother were eligible to enrollment and should be enrolled.

Respectfully,

Commissioner.

No. 14

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 27,1905.

In the matter of the application for the enrollment of Etta Scott et al as Creek freedmen.

Appearances E. Hastain
M.L.Mott

John Francis, being duly sworn, testified as follows;

By Commissioner.

Q What is your name? A John Francis.
Q What is your age? A I was born in 1833
Q What is your post office address? A Eufaula.
Q Do you know Etta Scott
Q How long have you know her?A I knew her when she was a girl I knew them a long time
Q How old a girl was she when you first knew her? A About 12 years old.
Q That was before the war was it? A Yes, sir before the war
Q Did you know her during the war and right after the war? A Yes I knew her
Q Where was she during the war? A She went South and when they came back in 1865 I met her
Q Do you know whether she was a slave or not? A They were slaves.
Q Etta Scott was she a slave? A Her mother was
Q Was Etta Scott a slave? A Yes
Q What was the name of her master? A Name was Billy Kanard
Q What was the name of her mother? A Millie but the Indian called her Millie Thocco, that means big Millie
Q When did her mother die? A About twelve years ago or thirteen
Q Are you sure of that? A Yes, sir
Q Do you know whether she or her mother were in Indian Territory or the Creek Nation during the time of the making of the Dunn roll A Her mother was her and her mother
Q Do you say they were here at that time?A How do I know I had some negroes on my town and they weren't enrolled
Q Do you think that these people Etta Scott and her mother were here in the Creek Nation at the time the Dunn roll was made? A Yes, sir
Q How do you know, did you see them? A Yes I saw them after that and I saw them they had their name down on the roll
Q Do you know the year in which these people came back from down South ? When there was peace made they came in that same year1865
Q How long did they stay [illegible] then,? Her mother staid till she died
Q When did she die? A Thirteen or twelve years ago

By Mr Hastain

Q You state that you had some colored people on your town who were not put on the Dunn roll is that true? A Yes, sir
Q Do you know whether or not there were any other people here who were not placed on the roll made by Major Dunn? A Yes, sir

By Mr. Hastain.

Q [illegible] roll, wasn't that understood generally? A I don't know. Some of them didn't know much but the ones I know were on my town roll.
Q You say you had some in your town entitled to be on the roll and they didn't get on? A Yes, sir.
Q Have they been enrolled since then? A No, sir.
Q Haven't got citizenship? A No, sir.

By Commissioner.

Q Do you mean to say that this woman Etta Scott came back here from the South in 1865 and has lived here ever since?
A No she went off fifteen or twenty years ago and then came back.
Q After she came back about the close of the war in 1865 how long did she stay here at that time? A Ten or twelve years or fifteen years and then she went off and came back
Q And you say Etta Scott's mother came back in 1865 and staid here until she died about twelve years ago ? A Yes, sir
Q Did you ever see anybody put on the Dunn roll yourself? A No, sir
Q You didn't pay much attention to the black people did you?
A No, sir
Q You don't know whether these people tried to get on the Dunn roll or not? A No, sir
Q Whether they were entitled or not? A No, sir

By Mr. Hastain.

Q You state that there were some colored people on your town roll did they file on their land? A Yes, sir
Q Get their allotment? A Yes, sir

By Commissioner.

Q Do you mean to say that you had some people on your town roll that might have been enrolled as freedman and instead of that were put on the Indian town is that what you mean? A Yes, sir

Abe Prince Being duly sworn testified as follows:

Q What is your name? A Abe Prince
Q You are enrolled as a Creek freedman are you? A Yes, sir
Q What is your age? A About 50 or 60
Q Do you know Etta Scott? A Yes, sir
Q Did you know her mother? A Yes
Q What was her mothers name? A Mary Scott
Q How long have you known Etta Scott and her mother? A I have known them before the war

Q Did you know them during the war? A No, sir.
Q [illegible] track of them from the beginning of the war until the [illegible] A [illegible], sir, I [illegible] when I went off.
Q When did you leave them? A At the beginning of the war
Q When did you see them again? A After I came back to the country.
Q When was that? A Just after the war, I couldn't tell you particular but just after peace.
Q And then you saw Etta Scott and her mother? A Yes, sir
Q Where? A Here in the Creek Nation
Q Do you know how long they stayed here from that time right after the war? A I [illegible] they was here awhile
Q How long as near as you can remember did they stay here at one time? A About a year or two I reckon.
Q Don't you know whether they stayed more than a year or two? A They been here all the time in the Creek Nation as far as that is concerned
Q Why do you say they only stayed a year or two if they were here all the time? A They weren't here in this presinct.
Q How long did they stay in the Creek Nation continuously from the time they came back here? A I didn't miss them out of the nation here.
Q Did they stay as much as five years ? A Yes.
Q You are sure Etta Scott and her mother were here in the Creek Nation immediately after the close of the war for five years continuously without leaving? A Yes, sir
Q Is Etta Scott's mother living? A Dead
Q When did she die? A I don't know, I didn't take any partioular notice
Q Is your name on the Dunn roll? A Yes, sir
Q Did you go up to Major Dunn yourself? A Yes I went myself.
Q You know what people did to get on the Dunn roll? A Yes, sir
Q Do you know of any case where people were put on the Dunn roll without being present? A Yes, some people across the river
Q Did they put anybody on the roll from information they got from other people, do you know? A I don't know.
Q Suppose you couldn't come down to a certain payment and they should say Abe Prince should be on --did they do anything like that in making the Dunn roll? A I don't know.I think they did.
Q Do you know if Etta Scott and her mother were here when the Dunn roll was made? A Yes, sir
Q Did you see them here at the time the Dunn roll was made? AYes down on the Canadian river.
Q Do you know if Etta Scott ad her mother were slaves?A The old lady was a slave.
Q What was the name of her owner? A Mary Kanard.
Q Was Etta Scott a slave?A Bound to be ,from her mother.
Q Was she owned by the same woman her mother was? A I think so
Q Do you know whether Etta Scott or her mother were on the Dunn roll?A Not as I know of
Q Do you know why they were not on the Dunn roll? A It was carelessness. They didn't come up and put themselves down.

By Mr. Hastain

Q Do you know any one else who was here at that time and overlooked and not put on the Dunn roll? A There was an old lady across the river they told me wasn't on the Dunn roll but she got her land all right because the people knew she was here.

Q [illegible] A [illegible] on the roll,
[illegible] what I learned, I don't [illegible] I told you what I learned.
[illegible]
Q Who did you hear? A That they was on the roll, was she got her land.
Q You didn't hear how she got it? A She was a citizen, everybody knew her to be a citizen so they allowed her her land.
Q Don't you know that no one got land just because they were recognized as citizens just because the neighbors took them as citizens no one got land that way? Ans. Yes, sir
Q Name some? A I can't, she drew payments.
Q You heard she was on the pay roll? I heard she drew and got her land.

Anna Garrigues states on oath that the above and foregoing is a true copy of her stenographic notes taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 29th day of July 1905.

Edwin E. Briscoe
Notary Public.

Ff. W-1905 (Corp.) G.A.W.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, October 11, 1905.

The Commissioner
To the Five Civilized Tribes,
Muskogee, Ind. Ter.

Sir:

There is enclosed brief in the matter of the application of Etta Scott, et al, for enrollment as Cherokee freedmen, which was filed in this Office by H. Hastain, September 18, 1905. The record in this case was returned to you by the Department June 23, last.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

GAW-GH.

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

Receipt is acknowledged of your communication of October 11, 1905 (Land 75689-1905), enclosing brief of E. Hastain in the matter of the application for the enrollment of Etta Scott, et al. as Creek Freedmen; you state that the record in this case was returned by the Department June 23, 1905.

In reply you are advised that a rehearing in said case of Etta Scott, et al. was had in accordance with the instructions of the Department, ~~and was on~~ August 23, 1905, the record in said case, accompanied by report of this Office, was returned to the Department. The brief of E. Hastain doubtless refers to the testimony and report in the rehearing of said case, and the same is herewith returned to be considered in connection therewith.

Respectfully,

Commissioner.

JYM-16-40

I. T. D.

April 2, 1906.

L.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 23, 1905, you transmitted the remanded record in the matter of the application of Etta Scott for the enrollment of herself and her five minor children, Sim, Ada, Walter, George and Larney Mathews, and her sister, Mary Canard (deceased), as Creek freedmen, and recommended that the decision of the Commission to the Five Civilized Tribes dated March 15, 1905, denying said application, be affirmed.

November 2, 1905, the department referred said record to the Assistant Attorney-General for this Department, with request for his opinion thereon.

In accordance with his approved opinion dated March 28, 1906, a copy of which is herewith inclosed for your information, the Department affirms the decision of the Commission to the Five Civilized Tribes dated March 15, 1905, denying the application of Etta Scott for the enrollment of herself and her five minor children, Sim, Ada, Walter, George and Larney Mathews, and her sister, Mary Canard (deceased), as Creek freedmen.

Respectfully,
(Signed) Thos. Ryan.
First Assistant Secretary.

1 inclosure.

Mrs Scott,

Konford, Indian Territory.

Dear Madam:

You are hereby advised that on April 8, 1906, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, denying the application for the enrollment of yourself and your five minor children, Sim, Ada, Walter, George and Larney Mathews, and your sister, Mary Canard (deceased), as Creek freedmen.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory. April 11, 1906.

E. Mastain,

Attorney for Etta Scott, et al.,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on April 2, 1906, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, denying the application for the enrollment of Etta Scott and her five minor children, Sim, Ada, Walter, George and Larney Mathews, and her sister, Mary Canard (deceased), as Creek freedmen.

Respectfully,

Acting Commissioner.

M.L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that on April 2, 1906, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1906, denying the application for the enrollment of Etta Scott and her five minor children, Sim, Ada, Walter, George and Larney Mathews, and her sister, Mary Canard (deceased), as Creek Freedmen.

Respectfully,

Acting Commissioner.

[illegible], Indian Territory, August 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of April 2, 1906 (I.T.D. 12580-1905, 3828-1906), in accordance with the approved opinion of the Assistant Attorney General dated March 28, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated March 15, 1905, denying the application for the enrollment of Etta Scott and her five minor children, Sim, Ada, Walter, George and Larney Mathews, and her sister, Mary Sanard (deceased), as Creek freedmen.

There is inclosed herewith for Departmental consideration motion to review said cause filed with this office June 25, 1906. There is also inclosed brief and argument filed by attorney for applicant.

The statements set forth in said motion are merely general in character and there is nothing contained therein

which was not considered by the Department in the rendering of its decision. The brief and argument accompanying said motion is for the most part based upon previous opinions of the Assistant Attorney General in the Creek cases of Joe Harrison (I.T.D.8800-1905) and Noha Fixico (I.T.D.16218-1904, 1660-1905).

Section 3 of the act of Congress approved April 26, 1906 (Public-No. 129), having special reference to Creek freedmen provides:

> "That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General for the Department in an approved opinion dated May 21, 1906, in the matter of the application of Prissie Carruthers for enrollment as a freedman citizen of the Creek Nation (a case analogous to that of Etta Scott, et al.), referring to the above provision of law states: "Congress has now made the Dunn roll final and conclusive as to all applicants of this class

[illegible] have been [illegible] by the Secretary of the Interior.

In view of the approved opinion of the Assistant Attorney General under date of March 24, 1910, in this case and in view of the above provisions, I am of the opinion that said applicants are not entitled to be enrolled as Creek freedmen and respectfully recommend that said motion to review be denied.

Respectfully,

Through the
Commissioner of Indian Affairs. Commissioner.

AG-13

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 2, 1906, I.T.D. 5228, there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated August 14, 1906, transmitting, for Departmental consideration, motion to review the Department's decision in the matter of the application of Etta Scott for the enrollment of herself and her five children as Creek freedmen.

The Commissioner invites attention to the provisions of section 3 of the act of April 26, 1906 (34 Stats., 137), and the approved opinion of the Assistant Attorney General, of May 31, 1906, in the Prissie Carruthers case, and expresses the opinion that the applicants are not entitled to enrollment as Creek freedmen.

By the act referred to Congress made the Dunn Roll final and conclusive as to the right of Creek Freedmen to enrollment, and it not appearing that the name of the principal applicant or that of any one of her ancestors is on that roll, it is believed that the motion should be denied. The record is enclosed.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

GAW-GH.

WASHINGTON, November 20, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 14, 1906, you transmitted a motion for review of departmental decision of April 2, 1906, based on the approved opinion of the Assistant Attorney- General dated March 28, 1906, denying the application of Etta Scott for the enrollment of herself and her five minor children, Sim, Ada, Walter, George, and Larney Mathews, and her sister, Mary Canard (deceased), as Creek freedmen.

October 11, 1906, said motion for review was referred by the Department to the Assistant Attorney-General for his opinion thereon. In accordance with his approved opinion thereon dated November 18, 1906, copy of which opinion is inclosed for your information, said motion for review is hereby denied.

The record in the case has been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.
1 inc. and 5 to Ind.Or.

WASHINGTON.

November 14, 1906.

The Secretary

of the Interior.

Sir:

I have received, with request for opinion thereon, a motion for review of departmental decision dated April 2, 1906, denying the application of Etta Scott for the enrollment of herself and her five minor children, Sim, Ada, Walter, George and Larney Mathews, and her deceased sister, Mary Canard, as Creek freedmen, said decision being based on my opinion of March 28, 1906.

This motion for review makes no allegation as to the facts and presents no question of law not fully considered when the opinion of March 28 was rendered, and therefore presents no reason for a different conclusion. Furthermore, since the date of that opinion the act of April 26, 1906 (34 Stat., 137), has made additional provisions in respect of the enrollment of Creek freedmen. Section 3 of that act provides:

That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior.

I had occasion to consider the effect of this provision in the case of Prissie Carruthers and in opinion of May 31, 1906, said:

[illegible] Interior.

The motion for review shall be denied. The papers submitted are herewith returned.

Very respectfully,

Frank L. Campbell,

Assistant Attorney General.

Approved:

November 16, 1906.

E. A. Hitchcock,

Secretary.

Muskogee, [illegible]

Hanford, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of November 20, 1906, denied motion for rehearing in the matter of the application for the enrollment of yourself, your five minor children, Sim, Ada, Walter, George, and Lorney Mathews, and your mother, Mary Cumard, deceased, as Creek Freedmen.

Respectfully,

Commissioner.

M. L. [illegible],

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of November 30, 1906, denied motion for review in the matter of the application for the enrollment of Rita Scott, her four minor children, Sim, Ada, Walter, George and Larney Mathews, and her deceased sister, Mary Canard, as Creek Freedmen.

Respectfully,

Commissioner.

[illegible], Indian Territory, [illegible] 4, 1907.

[illegible],

Attorney for Etta Scott, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of November 30, 1906, denied motion for review in the matter of the application for the enrollment of Etta Scott, her five minor children, Sim, Ada, Walter, George and Larney Mathews, as Creek Freedmen.

Respectfully,

Commissioner.

Error No. 1. Because the Assistant Attorney General erred in finding that the applicants were not entitled to enrollment, and overruling his decision in the case of Joe Harrison.

On the 13th day of October, 1905 the Assistant Attorney General rendered an opinion which so clearly construed the treaty of 1866, that it is believed that in the passing upon this case said opinion was not called to the attention of the Assistant Attorney General and the brief filed in this case had not yet reached the Department. The case referred to was the application of Joe Harrison for enrollment as a Creek Freedman (I.T.D. 8700-1905) and the reasoning was so clear, just and equitable, that attention is now called to said opinion in order that justice may be done the applicants herein. In that case the following language was used in the opinion:

"If Harrison was lawfully residing in the Creek country before ratification of the treaty, and was there at that date or returned within a year thereafter, he became a Creek citizen by force of the treaty, and was one who thereby had been "rightfully admitted by the lawful authorities of the Creek Nation," and was by the act of June 28, 1898, required to be enrolled by the Commission." . . . . . .Nothing in the act of June 28, 1898, deprived him of right to enrollment because of omission from the Dunn roll and tribal rolls, and the Commission should have considered his case under the act of 1898."

This opinion should unquestionably stand.

Error No. 2. Because the Assistant Attorney General erred in finding that the applicants were entitled to enrollment in 1898 and not entitled to enrollment at this time."

The error was made in assuming that the applicant was applying as a citizen by blood, when as a matter of fact she made application as a Creek Freedman. If the applicants based their rights to enrollment on the claim of Indian Blood, then it might be as stated; but the claim is as a Creek Freedman, and the case of Joe Harrison, is a case in point.

If it were not for the treaty of 1866 between the Creek Nation and the United States, no Freedmen would have received an allotment in the Creek Nation. This treaty is the foundation stone upon which has been built the right of a Creek Freedman to enrollment and allotment of lands. Every tribal roll upon which the names of Creek Freedmen appear was prepared by the Creek Council on the theory that said Freedmen were entitled to be so placed on tribal rolls by virtue of the treaty of 1866. Take away the treaty of 1866 and this structure must fall.

If this treaty is of so much importance it cannot be treated lightly or ignored altogether in passing upon the claims of Freedmen to enrollment.

It may be contended that the applicant was not on the Dunn Roll, and the treaty of 1866 being prior to the Dunn Roll, the late act of congress would not permit her enrollment. It has been found in the decisions in this case that the applicant was eligible to enrollment upon the Dunn Roll. This then would be a case like the case of Neha Pixico. (See opinion of Assistant Attorney General (I.T.D.10212-1904) in which the following language is used:)

"All that remained to be done was clerical and ministerial (Manuel inscription on the roll), not of the substance, and in contemplation of law must be regarded as actually done. They could not be deprived of a clear right by default of a Clerk or a ministerial officer; nor by a designed suppression of the act of council."

Although the treaty of 1866 was ratified prior to the making of the Dunn roll, its provisions covered a period which extended to a time several months later than the date of the Dunn Roll. So that if Etta Scott was in the Creek Nation during the period between March 1867 and August 1867 she is entitled to enrollment under the late Curtis Act because she was by the treaty adopted subsequent to the preparation of the Dunn Roll.

it refers to the treaty of 1866. The Supreme Court of the Creek Nation has also passed upon this question, and held that those who complied with the treaty of 1866 were citizens of the Creek Nation.

While it may appear at first reading of the late Curtis Act that it was intended to prevent the enrollment of certain persons, such was not the intention of Congress. It has been the intention of Congress and the clearly defined policy of the Department to do justice to all claiming citizenship.

Respectfully submitted this 7th day of August, 1906.

Attorney for Applicants.

F.Mastain, upon oath says that he is the attorney for applicants in the above entitled cause, and that he mailed by registered letter a true copy of the foregoing brief and argument to N.L.Mott Esq., Attorney for the Creek Nation on this date, for the reason that said Attorney was not in the city to accept service.

Subscribed and sworn to before me this 7th day of August, 1906.

Notary Public.

In the matter of the application for [illegible] Scott, Mat, Ann, Esther, George and Lemuel Andrews and Mary [illegible], deceased, as Creek Freedmen.

PETITION TO REVIEW.

Come now the applicants in the above entitled cause and move that the above entitled cause be reviewed for the following reasons to-wit:

First: Because the Assistant Attorney General erred in finding that the applicants not were entitled to enrollment, and overruling his decision in the case of Joe Harrison.

Second: Because the Assistant Attorney General erred in finding that the applicants were entitled to enrollment in 1896 and not entitled to enrollment at this time.

Third: Because the Assistant Attorney General erred in refusing to give full force and effect to the treaty of 1866, under which all Freedmen acquired their rights to enrollment as citizens of the Five Civilized Tribes.

Wherefore applicants pray that a reasonable time be allowed in which to file a brief and argument, and that the above entitled cause be reviewed and applicants enrolled as citizens of the Creek Nation.

_____

Attorney for Applicants.

Service of a copy of the foregoing motion accepted this 25th day of June, 1906.

_____

Attorney for the Creek Nation.

APPEARANCES: W. L. Mott, Attorney for Creek Nation.

Sarah Green, being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sarah Green.
Q How old are you? A I am going on 37 years old.
Q What is your post office address? A Earlsboro.
Q Are you in the Creek Nation? A Oklahoma.
Q Do you make application for the enrollment of Wesley, Minerva and Jim Green as Creek Freedmen? A Yes sir.
Q They are your children, are they? A Yes sir.
Q You don't claim to be a Creek citizen yourself? A No sir.
Q You are a Staams woman? A Yes sir.
Q Are these children living? A
Q How old is Wesley? A He was born the week before Christmas; I can't tell you. Q About? A About 16 I guess.
Q How old is Minerva? A About
Q Is she older than Wesley? A No sir; Wesley is two and a half years older than she is.
Q How old do you say she is? A Sixteen.
Q Well, then, that would make Wesley at least 18. How old is Jim? A Thirteen.
Q What is the name of the father of these children? A Jeffrey Green.
Q Is he living or dead? A Dead.
Q How long has he been dead? A I can't tell you.
Q Was he living when the $14 payment was made? The last payment? A No sir.
Q Was he living when the payment before that was made? A Yes sir.
Q Where do you live? A I live in Earlsboro.
Q You don't live in the Creek Nation? A No sir.
Q You live in Oklahoma? A Yes sir.
Q How long have you lived in Oklahoma? A About 6 years now or 7.
Q Where did you live before that? A In the Creek Nation.
Q These children have lived with you in Oklahoma, have they? A Yes sir.
Q They are living with you there now? A Yes sir.

to wonder around to try to make a living to raise the children.

Sarah Green recalled:

Q Were you and Jeffrey Green married? A Yes sir.
Q Married by whom? A Preacher.
Q Did you have a license? A Yes sir.
Q Have you got that license? A No sir.
Q What became of it? A It got misplaced.
Q Where did you get the license? A Buffalo, that was from the Creek authorities.
Q What was the name of the preacher that married you? A Battles.

Para Bruner recalled:

Q What was the name of the father of these children? A Jeffrey Green.
Q Do you know whether he and Sarah were married or not? A Yes sir.
Q Were you present when they were married? A I wasn't present.
Q Did they live near you at any time during their married life? A They lived right straight South of here and I lived way Southwest but I seen them off and on.
Q Were you ever at their house? A Yes sir.
Q They were from all appearances-- they held themselves out as man and wife? A As man and wife.
Q Of course you know nothing yourself as to whether there was a license issued or not? A No sir; we never give that no attention.
Q Were these children present in the family when you was there at his house? A Yes sir.
Q Was he ever known by any other name? Called by any other name? A Not to my knowing; but there was one thing: his father used to go by Flem Hope, may fix it in that-a-way.
Q Did he have any other children-- Flem? A Yes sir, plenty of them.
Q Give me the names of some of them. A I don't know none of them but I know the children was there.

Sarh Green recalled:

Q What was the name of Jeffrey Green's father? A We always called him Flem.
Q Did Jeffrey Green have some brothers and sisters? A Yes sir.
Q What were their names? A Lucy, Jake, Joe, Jack and Sandy; had a sister named Hettie but she died and his mother named Miller-she died.

[illegible]

... Brown, recalled:

Q You are [illegible] King of [illegible] town? A [illegible]
Q [illegible] officer in that town a long time, haven't you? A [illegible], that's my first going to the council [illegible] former [illegible] years; [illegible] a Commissioner with the [illegible] Commission.

(Note by the Commission.)
The 1895 [illegible] roll of the Creek Nation examined and [illegible] Brown [illegible] identified thereon as Nos. 740, 741 and [illegible] respectively.

[illegible] being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above [illegible] and that this is a full, true and correct transcript of his stenographic [illegible]

[illegible]

Subscribed and sworn to before me this [illegible] day of July, [illegible].

[illegible]
Notary Public.

I.T.

En.569.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Wesley Green, Minerva Green and Jim Green as Creek freedmen.

D E C I S I O N.

The record in this case shows that on July 14, 1904, Sarah Green appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her minor children, Wesley Green, Minerva Green and Jim Green as Creek freedmen.

The evidence shows that said Wesley, Minerva and Jim Green are the minor children of said Sarah Green, that they were born in the Creek Nation and that at the date of the last proceedings herein they were residing with their said mother in the Territory of Oklahoma.

The evidence further shows that said Wesley Green and said Minerva Green are identified on the 1890 Authenticated Tribal Roll of the Creek Nation and that all of the applicants herein are identified on the 1895 Pay Roll of said Nation.

It is, therefore, ordered and adjudged that said Wesley Green, Minerva Green and Jim Green are entitled to be enrolled in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats.,495), and March 1, 1901 (31 Stats.,861), and the application for their enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory,

OCT 12 1905

[redacted]

Director for the Creek Nation,

Muskogee, Indian Territory.

Sir:

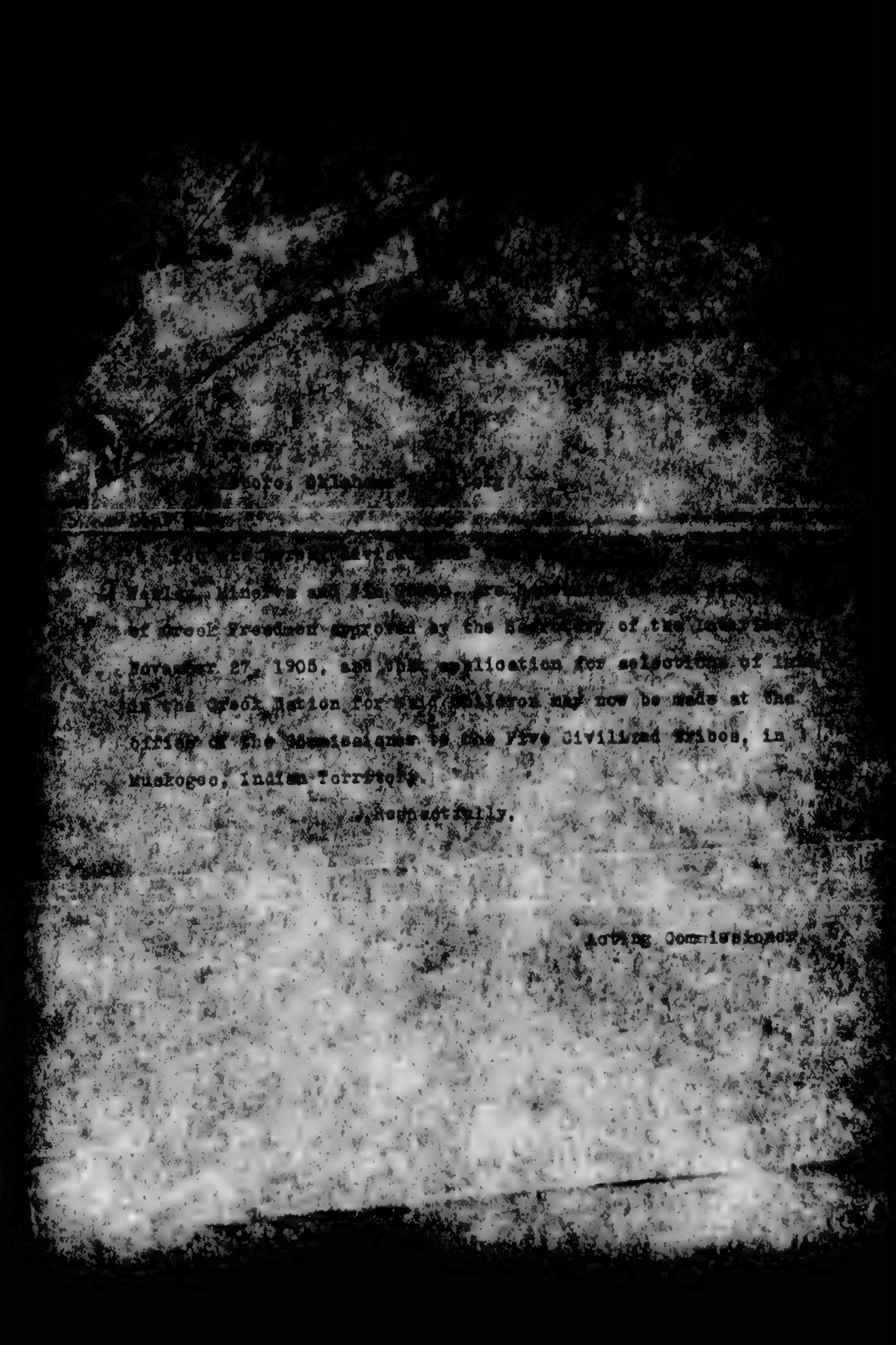
There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Wesley, Minerva and Ida Grass as Creek freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, [redacted] no protest has been made, said persons will be regularly listed for enrollment as Creek freedmen.

Respectfully,

Commissioner.

JFH-13-8



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JULY 14, 1904.

In the matter of the application for the enrollment of Annie, Jane, Ed and Laura Lewis as Creek Freedmen.

APPEARANCES: A. S. McRae, attorney for applicants.
M.L.Mott, attorney for Creek Nation.

Annie Lewis being duly sworn testified as follows:

Examination by the Commission:

What is your name? A Annie Lewis.
What is your age? A Going on 31.
What is your post office address? A Muskogee.
Is this your application for enrollment as a Creek Freedman? A Yes sir.
Have you some children for whom you wish to apply? A Yes sir.
What are their names? A Ed, and Laura and Jane.
How old is Ed? A Going on 10.
How old is Laura? A Going on 8.
Are you the mother of these children? A Yes sir.
Are they living? A Yes sir.
What is the name of their father? A Ben Lewis.
Do you make any claim that he is a citizen of the Creek Nation? A No sir.
Where was he? A Yes sir.
Do you live in the Creek Nation? A Yes sir.
How long have you lived in the Creek Nation? A Three months.
Where did you come from? A Fort Smith here.
You live in Arkansas? A Yes sir.
How long have you lived in Arkansas? A All my life.
All your life until you came here three months ago? A Yes sir.
Have you any property in Arkansas? A No sir.
You came to the Creek Nation for the purpose of making it your
How much money did you draw for yourself in from the Creek Nation?
How much money was drawn for these children in the Creek Nation?
(Attorney for the applicants admits that no money was ever
drawn by or for the applicants herein from the Creek Nation at any time.)
What is the name of your father? A James McIntosh or James Thomas.
Where is he? A Dead.
How long has he been dead? A Two months.
Where did he live? A Conway, Arkansas
Did he live in Arkansas during all of your life? A Until he
died.
I will see him as soon as he comes here, I can re-

Q [illegible] the name of your mother? A [illegible] Thomas after she married [illegible] she was a citizen of the Creek Nation [illegible] A Yes sir.
Q [illegible] your father ever [illegible] the Dunn roll or not? A [illegible] enroll me and died [illegible] tell you under what name he appeared on the Dunn Roll? A [illegible] James Thomas but I don't know whether he enrolled it that way [illegible] might have forgot; he was quite old.
Q [illegible] a slave of a Creek citizen? A Yes sir.
Q What was the name of his owner? A "Old Man" McIntosh was all I heard him say.

Tobe McIntosh being duly sworn testified as follows:

Examination by the Commission:

Q Give your name, age and post office address? A Tobe McIntosh; 60 odd; Muskogee.
Q Do you know Annie Lewis? A That lady there?
Q Yes, the applicant here. A I don't know her.
Q Did you know a man by the name of James Thomas or James McIntosh? A Well acquainted with him.
Q Who was his owner? A Belonged to old Roley McIntosh and after Roley McIntosh died turned him over to June McIntosh and June McIntosh died across the river here not quite a year; bought him from old June Thomas.
Q He was the slave of a Creek citizen was he? A Yes sir.
Q Was he taken out of here during the war? A Yes sir, taken on the Red River when the war broke out and I went North.
Q Did he come back here after the war? A Met me along in '70- I cant say what day of the month; and the second time I met him along in '90 or somewhere in there; I met him twice since the war broke out.
Q Did I understand you to say that the first time you saw him after the war was in '70? A Yes sir.
Q How long did he remain- do you kn w? A He was around here in '70; Jim stayed here a very short time.
Q Did you have a conversation with him the first time you saw him here? A Yes sir.
Q Did he say anything at that time as to whether that was the first time he had been back since the war? A Yes, I asked him that and he said that was the first time and he was going to move here.

Examination by Mr. McRae:

Q You are a recognized citizen of the Creek Nation, aren't you, Uncle Tobe? A Yes sir.
Q Are you quite positive now that the year '70 was the first time that you seen him, Jim Thomas or Jim McIntosh? A I think that's my understanding.
Q Did you know him before the war? A Yes sir; lived togerhther.
Q Your name appears on the Dunn roll? A Yes sir.
Q Was he here at the time of the making of the Dunn Roll? A It was that same year.
Q Then you are mistaken about it being '70, aint you? A I think I am; I correct myself; my memory comes short somtimes.
Q You mean '67? A Yes sir; then the second time I seen him was along in '96 I think.

[illegible] at the time the [illegible]

[illegible]

Examination by the Commission:

Q Did you just see him here twice? A Yes sir, that's all.

By Mr. McRae:

Q How long did he stay when you seen him here along in '96? A A little over a year.
Q Where did you say he went to during the war? A Along Red River; I don't know where they took him cause I went North.
Q You don't know whether he went on the Texas side of the river or the Territory side? A No sir.

By the Commission:

Q To what town in the Creek Nation did he belong? A Same one I belong to, Coweta; there was no Arkansas District among the colored people till this war closed; colored people belonged to the same district [illegible] belonged to at that time.
Q Did Jim McIntosh belong to any Indian town after the war? A He wasn't changed from no town as I know of; he couldn't; he would come back to the town he went out.

By Mr. McRae:

Q Now, as I understand it, when you come back from the North and the town roll was being prepared, Jim McIntosh was here then? A Yes sir.
Q Do you know whether or not he applied at that time for enrollment?
A I can't tell you.
Q About what time did he leave here for Arkansas, if you remember, how long did you see him in the Territory? A I can't tell you how long that was, but at the same time he and I had the consultation at this time I am telling you about he said he was going.
Q Did you see him in the Creek Nation any time immediately after the town roll was made? A Yes sir.
Q How long did you continue to see him, if you remember? A Four or five months, I guess, cause he went to my house and stayed there.
Q Then you lost sight of him? A Yes sir; never seen him again.
Q When you seen him again in '96 he told you that he had a family somewhere in the State of Arkansas? A Somewhere about Little Rock and said he was going to move them here.
Q Stayed here about a year and then went back, as he told you, for his family? A That's it.

By the Commission:

Q [illegible] do you mean? A '97.

By Mr. Scott:

Q You saw him how many times? A Twice.
Q And the twice since the war? A Yes sir.
Q [illegible] with the exception of a year?
Q [illegible] how many times? A Told sir; he stayed at my house one night.
Q [illegible] the time you saw him first? A Yes sir; and the second time
Q [illegible] A Three sir.
Q [illegible] the night he stayed in your house till about [illegible]
A [illegible]
Q [illegible] you.
Q [illegible] saw him at your house and he stayed all night at your
Q [illegible] time you saw him? A I saw him along in '96 and
Q [illegible] he stayed all night at my house.
Q When he stayed all night at your house in '96, '97, or '90 or what-
ever it was, was that the first time you had seen him after the war?
A The first time I saw him after the war in '97.
Q Was that when he came to stay all night at your house? A Yes sir.
Q Did he leave the next morning? A Left my house next morning.
Q Then you never saw him any more till '90? A Yes sir, that's correct.
Q Was he a married man, then? A He told me he was a married man.
Q What did he tell you about his family? A He told me he was going to
move all his family here.
Q Told you that the first time you saw him? A Yes sir.
Q Did he tell you he had any children? A Told me he had a girl.
Q Was that the first time you saw him? A Yes sir, the first time I
saw him he told me he had a girl and was going to move them up here.
Q That was just after the Dunn Roll was made? A I don't know whether it
was after or all.
Q Will you do know he told you he had a girl? A Yes sir, I do know that.

By the Commission:

Q At the time you first saw him here after the war how long did you say
he stayed here then- about how long? A Well, I guess it about 3 or 4
months; the last time he came back he stayed here over a year; I am not
positive about that but the last time he came he stayed over a year I
know.

By Mr. Scott:

Q But do you know that if you never saw him but once child he was here?
A [illegible] sir, I never saw him but once; the first time he came here he
stayed here [illegible] and the last time he stayed a year, because he
helped me [illegible]
Q [illegible] do you know [illegible] a year? A Because he stayed till Christmas.
Q [illegible] saw him [illegible] Then he talked? A Yes sir, I saw him.

By the Commission:

Q [illegible] you to mean that the first time you and him knew it was [illegible] 4 or 5 months he stayed here, and you only saw [illegible] time during that period, and the record like that [illegible] you mean that he stayed here a year, you mean that you saw him during two different periods? A Yes sir.
Q When your mother Jim McIntosh ever drew any money from the Creek [illegible] or not? A No sir, I don't know.

Charley Locke recalled:

Examination by Mr. Mott:

Q How many children did your father have? A I don't know nothing about none but myself.
Q Was there any older than you? A I am the oldest.

Examination by Mr. McNeer:

Q Charley Locke, when you saw Jim McIntosh in '67 and continued to see him for a period of 4 or 5 months afterwards, he didn't have any family at that time, did he? A Didn't have none with him but himself.
Q When Commissioner for the Nation asked you if he had a family at that time, and your statement was "yes", did you thoroughly understand what he meant? A No?
Mr. McNeer points to Mr. Mott) A Did he ask me that?
Q Yes, he asked you if Jim McIntosh told you in '67, the first time you saw him, and your answer was "yes sir".

Henry S. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry S. Haines

Subscribed and sworn to before me this 26th day of July, 1904.

Charles H. Sawyer

Notary Public.

O.d.

No. 340.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie, Jane, Ed and Laura Lewis as Creek Freedmen.

-: SUPPLEMENTAL STATEMENT :-

Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, examined and the name of James Thomas or James McIntosh not identified thereon.

The tribal rolls of the Creek Nation in the possession of the Commission examined and the names of none of the applicants herein identified on any of said rolls.

Records of the proceedings of the Colbert Commission in the possession of this Commission examined and it does not appear that application was ever made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

Records of the proceedings of the Commission to the Five Civilized Tribes under authority of the Act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of the applicants, or any of them, to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Muskogee, Indian Territory.
October 6, 1904.

D. D.

En. 340.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie, Jane, Ed and Laura Lewis as Creek Freedmen:

-: D E C I S I O N :-

The record in this case shows that on July 14, 1904, Annie Lewis appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her three minor children, Jane, Ed and Laura Lewis as Creek Freedmen. Further proceedings were had October 6, 1904.

The evidence shows that none of the applicants are the descendants of a person whose name appears on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, and that no claim is made that the father of said minor children, Jane, Ed and Laura Lewis is entitled to enrollment as a citizen of the Creek Nation.

It does not appear from theevidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Annie, Jane, Ed and Laura Lewis, or any of them, as Creek Freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breathitt
Commissioner.

Muskogee, Indian Territory.
JAN 4 1905

In Re, the Appli-
cation of Annie Lewis
For Enrollment as a
Creek Freedman

Petition for Reopening

Copy

In Re the Application of Annie Lewis for Enrollment as a Creek Freedman.

Hon.Secretary of the Interior:-

Your petitioner,Annie Lewis,respectfully represents unto your Honor that on January 4th.1906,her application for enrollment as a Creek freedman was denied by the Commission to the Five Civilized Tribes,as she is advised. Your petitioner is further informed that said application is still pending before the t e Department.

Now,therefore,your petitioner respectfully asks that said proceedings be re-opened and that she be permitted to offer further and additional evidence,which she was no t aware of before,and which,being ignorant unadvised,she did not know was required,and which evidence,as indicated by affidavits hereto attached,will show that she,your petitioner,was the child of James McIntosh,who was the son (as t e evidence of Tally Lewis and Abe Prince will show) of Roly McIntosh (who is enrolled as a full-blood Creek Indian) and of Ellen McIntosh,slave of Roly McIntosh; and that the said James McIntosh was when freed the slave of said Roly McIntosh,his mother's master .

The foregoing and following is

Very Respectfully Submitted.

_____

United States Of America,
Western District,
Indian Territory, SS.

Before me,a Notary Public,in and for the Western District of Indian Territory,duly commissioned and acting as such,personally appeared Annie Lewis,who being by me first duly sworn,on oath deposes and says: That she is the same Annie Le is whose application for enrollment

(1)

as a citizen by adoption of the Creek Nation Was denied January 4th.1905; that she is the mother of Jane, d and Loura Lewis,whose applications were also denied in the same decision; that she is t e petitioner in the petition for a re-opening,hereto attached; that she is able to introduce the following named witnesses,who were not introduced at the former hearing; Tally Lewis,Charlie Taylor,Ab Prince and Ben Lewis; that she did not offer these witnesses at the first hearing,as she being ignorant ofthe requirements,and having no lawyer,she did not know what proof was and is required;that since receiving the letter of the Commission advising her that herapplication for enrollment had been denied,and knowing that she was entitled as a child of a Creek freedman to enrollment,she consulted a lawyer,and was by him advised what she must prove to establish her claim.

Your affiant further says that the said Tally Lewis and the said Abe Prince will state that they knew Roly McIntosh ,a full blood Creek Citizen; that said Roly McIntosh was the father of James McIntosh,by one of his slave women,Ellen by name; that they knew James both before and after his marriage with affiant,your petitioner's,mother,and are now acquainted with your petitioner,who,witnesses will say,is known by general reputation to be the daughter of James ##### McIntosh. By Charlie Taylor and Ben Lewis your petitioner will establish that James McIntosh died at the home of your petitioner ,and that the said Ben Le is married the said Annie Lewis nee McIntosh at the home of the said James McI tosh in the year 1892,at Little Rock ,Arkansas; that James McIntosh spent his last years with his daughter ,Annie Lewis,and her husband,the said Ben Lewis,and and that the said Annie Lewis and the said James McIntosh were generally known as daughter and father ,and that the said Ben Lewis and the said Annie Lewis,paid the doctor bills of the deceased James McIntosh: that Ben Le is knew the said James and the said Annie for twenty five years as father and daughter,and that the said Charlie Taylor will say that the said James McIntosh was living with his said daughter Annie Lewis to witness's knowledge the last two years of his life.

(Signed) [illegible]

Subscribed and sworn to before me this [illegible]

(Signed) James W. Culp
Notary Public

(7)

United States Of America,
Western District,
Indian Territory. } ss.

Before me this day personally appeared Tally Lewis, a citizen by adoption of the Creek Nation, who being first duly sworn, deposes and says: That he was well acquainted with Roly McIntosh during the latter's life-time; that the said Roly McIntosh departed this life about the year 1864, on Red River; that the said Roly McIntosh was a Full-blood Creek Indian, the owner of a slave girl by the name of Ellen; who bore him, the said Roly McIntosh, a son (or so reputed, and , affiant says, the said Ellen, mother aforesaid, told this affiant that the father of her child was her master, Roly McIntosh); that said child was called James McIntosh; that affiant knew the said James McIntosh till he grew to manhood and left the Creek Nation that the said James McIntosh remained the slave of the said Roly McIntosh and his heirs till the emancipation; that he, affiant, heard of the death of the said James McIntosh at the time it occurred and met his daughter, the applicant herein soon after said deceased's death, and talked with her, the said Annie Lewis and her husband, Ben Lewis, about the sudden death of her father while on his return to the Indian Territory to claim his rights; that the applicant, Annie Lewis, greatly resembles her father, the said James McIntosh, as he appeared in his life-time, and it is affiant's belief that she is the daughter of the said deceased James Lewis, as she is generally reputed to be.

(Seal)

(signed) Tally his x Lewis
mark

Witnessed:

Lyman W Culp

Subscribed and sworn to before me this 12t .day of June, A.D.1906.

(signed) Lyman W Culp
Notary Public.

United States Of America,
Western District,
Indian Territory. } SS.

Before me, a Notary Public, duly commissioned and acting as such, personally appeared Abe Prince, who, being by me first duly sworn makes oath that he was well acquainted with Roly McIntosh during the latter's life-time; that he, the said Roly McIntosh, was a full-blood Creek Indian, the owner of a slave girl bearing the name of Ellen; that said Ellen, ave as aforesaid, was the mother (or reputed mother) of James McIntosh, slave and generally reputed son of the said Roly McIntosh; that he, affiant, remembers the circumstance of the said James McIntosh leaving the Creek Nation after the War had closed and of his return about seven years ~~when affiant met him and talked with him near Eufaula~~, Indian Territory; that afterwards, that isto say about the year 1901, affiant heard of the death of the said James McIntosh while on a final return to the the Creek Nation in Indian Territory in company with his daughter, Annie Lewis; that on after the death of the said James McIntosh, he, affiant, met the said Annie Lewis and her husband, Ben Lewis, and talked with them about the sudden death of James McIntosh; that the applicant whose affidavit is hereto attached is the same Annie Lewis, nee McIntosh, said reputed daughter of Ross McIntosh, deceased, said son of the said Roly McIntosh, also deceased.

(signed) Abe his × Prince
mark

(Witnesses:)
Lynn W Culp

Subscribed and sworn to before me this 12th. day of June, A.D. 1906.

(signed) Lynn W Culp
Notary Public.

(7)

United States of America,
Western District,
Indian Territory. } ss.

Before me, a Notary Public, duly commissioned and acting as such, personally personally appeared Charlie Taylor, who being by me first duly sworn, deposes and says: That he was well acquainted with James McIntosh during the latter's life-time; that he moved the said James McIntosh two or three times; that the lasttime he hauled the household goods of the said James McIntosh and his daughter, Annie Lewis, with whom the said James James McIntosh was living, from the farm near England Station to the city of England Station, Arkansas, in abou t the year 1899; That he knew the said James McIntosh for about three years, two of which the said James McIntosh was living with his daughter, the said Annie Lewis and her husband, Ben Lewis; that he knew of the circumstance of the said Ben Lewis paying the doctor bills of the said James ######## McIntosh, who was somewhat of an invalid for many months immediately proceeding his death; that he, affiant, has ofte heard the said Annie Lewis address the said James McIntosh as "papa", and the children of the said Annie Lewis call the said James McIntosh "grandfather"; that he had often talked with the said James McIntosh concerning his aughter, AnnieLewis, whom he always refe red to as his daughter; that he saw the said James McIntosh board a train at England Station, Arkansas, for Conway County, Arkansas, that lies between Loan Ore County (the situs of England Station) and Indian Territory; that he soon afterward heard of the death of the said James McIntosh; that the children of the said Annie Lewis, grandchildren of the said James McIntosh, left with deceased when he started for Conway County and Indian Territory as aforesaid.

Witnesses:

_____

_____

Subscribed and sworn to before me this 18th. day of June, 1906.

_____
Notary Public.

United States Of America,
Western District,
Indian Territory. } SS.

BEFORE ME?A NOTARY PUBLIC?IN AND FOR THE WESTERN DISTRict,Indian Territory,duly commissioned and acting as such,personally appeared Ben Lewis,who being by me first duly swarn,on oath deposes and says that he is the lawful husband of Annie Lewis nee McIntosh; that he married the said Annie Lewis,applicant herein for enrollment as a Creek freedman, at her father James McIntosh's home in Little Rock,Arkansas,in the year I892; That the said James McIntosh has been personally well known to affiant for twenty five years;that the said Annie Lewis was but a child of 8 years when he,your affiant,first met and got acquainted with her at her father,the said James McIntosh's house in Little Rock,Arkansas; that the said James McIntosh died at this affiant's home in Conway County,Arkansas, in the year I90I.

Witnesses:

(signed) Lyman W Culp

his
(signed) Charlie + Taylor
mark

Subscribed and swarn to before me this I4th.day of June, A.D.I906.

(signed) Lyman W Culp
Notary Public.

(7

The Commission is in receipt of your letter of November 28, 1904, requesting to be advised of the status of the application for enrollment of Annie Lewis as a Creek citizen.

Complying with your request, you are advised that on July 14, 1904, Annie Lewis made application for the enrollment of herself and her three children as citizens of the Creek Nation.

No decision has been rendered in the case by the Commission. When the matter is disposed of the parties in interest will be duly notified.

Respectfully,

Commissioner in Charge.

[illegible] Commission is in receipt of your letter of December 10, [illegible] to be informed as to the status of the application for enrollment of Annie Lewis, et al.

You are advised that on July [illegible], 190[illegible], Annie Lewis appeared [illegible] the Commission and made application for the enrollment of [illegible] children as citizens of the Creek Nation. [illegible] the Creek [illegible]

[illegible]

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 14, 1903.

Annie Lewis,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Jane, Ed and Laura Lewis, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JTM-14-12.

Muskogee, Indian Territory, January 14, 1905.

A. B. McKee,
Attorney for Annie Lewis,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Lewis, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-14-15.

Muskogee, Indian Territory, January 14, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Lewis, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for His review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JTM-14-14.

Muskogee, Indian Territory, January 14, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Annie Lewis, et al., as Creek Freedmen, including the decision of the Commission, dated January 4, 1906.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYM-14-15.

W.C.F.

Washington.

I.T.D. 928-1905
LHB

April 10, 1905

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 14, 1905, you transmitted the record in the matter of the application for the enrollment of Annie Lewis and her minor children, Jane, Ed and Laura Lewis, as Creek Freedmen, including your decision of January 6, 1905, which was adverse to the applicants.

Reporting January 25, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure.

Refer in reply to the following:

4220-1905

DEPARTMENT OF THE INTERIOR
Office of Indian Affairs,
Washington, January 23, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 14, 1905, transmitting the record of the application, made July 14, 1904, for enrollment as Creek Freedmen by Annie Lewis for herself and her three minor children, Jane, Ed and Laura Lewis.

January 4, 1905, the Commission decided adversely to the applicants.

The record shows that no prior application has been made; that none of the applicants is a descendant of a person whose name is found on the Dunn roll, and that none of the applicants has been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.M.
W.

Muskogee, Indian Territory, April 28, 1906.

Annie Lewis,

Muskogee, Indian Territory.

You are hereby advised that the Secretary of the Interior, under date of April 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1906, denying the application for the enrollment of yourself and your three minor children, Jane, Ed and Laura Lewis, as Creek Freedmen.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 21, 1906.

Tom B. Neely,

Attorney for Annie Lewis et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1906, denying the application for the enrollment of Annie Lewis and her three minor children, Jane, Ed and Laura Lewis, as Creek Freedmen.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 21,1905.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of Annie Lewis and her three minor children, Jane, Ed and Laura Lewis, as Creek Freedmen.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 8, 1907.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

The records in the possession of this office show that application was made to the Commission to the Five Civilized Tribes on July 14, 1904, by Annie Lewis for the enrollment of herself and her three minor children, Jane, Ed and Laura Lewis as Creek freedmen; a decision was rendered by said Commission denying said application on January 4, 1905 and said decision was affirmed by the Secretary of the Interior on April 10, 1905 (I. T. D., 788-1905).

There is enclosed herewith for Departmental consideration a motion to reopen said cause, filed with this office June 25, 1906.

It appears that none of the applicants appear upon the roll of Creek freedmen made by J. W. Dunn , prior to March 14, 1867. It further appears that none of the applicants appear upon any roll of the Creek Nation, nor are they the descendants of any person who appears either upon the Dunn roll or upon any subsequent tribal roll. It further appears that neither the applicants, nor the ancestors through whom they claim, have ever been admitted to citizenship in the Creek Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States

Courts in the Indian Territory.

The facts set up in the motion for reopening and the affidavits attached thereto are simply to the effect that the principal applicant, Annie Lewis, is the daughter of James McIntosh, who, it is claimed, was the slave of Roly McIntosh, a full blood Creek Indian. Admitting that this fact could be proven, it appears that said James McIntosh was living at the time of the preparation of the Dunn roll and his name is not found or identified thereon, nor does it appear upon any subsequent tribal roll, and the records in this office fail to show that he ever made application for admission to citizenship before the Colbert Commission or the Commission to the Five Civilized Tribes under authority of the Act of June 10, 1896.

It therefore seems that even if the facts set out in the petition for reopening were proven, the enrollment of the applicants would be prohibited by Section 3 of the Act of April 26, 1906, as construed by the Assistant Attorney General for the Department in his approved opinion in the case of Prissie Cruthers dated May 31, 1906 (I. T. D., 5286-1906).

I therefore respectfully recommend that said motion to reopen be denied.

Respectfully,

Commissioner.

Through the Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

January 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 10, 1905, (I.T.D. 1888-1905), affirming a decision of the Commission to the Five Civilized Tribes rejecting the applicants in the Creek freedmen case of Annie Lewis, et al, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes dated January 8, 1907, enclosing a motion for re-opening and re-hearing the case, filed with the Commissioner on June 25, 1906, which motion is supported by the affidavit of the applicant herself, Tally Lewis, Abe Prince and Charlie Taylor.

The facts set up in the motion for re-opening and the affidavits attached thereto are to the effect that Annie Lewis is the daughter of James McIntosh, who, it is alleged, was the slave of one Roly McIntosh, a full blood Creek Indian. The Commissioner says, however, that the records of his office show that James McIntosh was living at the time of the preparation of the Dunn Roll, and that his name is not found or identified thereon, and does not appear upon any subsequent

[illegible], and [illegible] records in the Commissioner's office fail to show that [illegible] ever made any application for admission to citizenship from the Dawes Commission or the Commission to the Five Civilized Tribes under authority of the Act of June 10, 1896.

Even if all the facts alleged both in the motion and the affidavits were true, under the circumstances in this case, it does not appear that the applicants could be enrolled as they are barred by Section 2 of the Act of April 26, 1906, (34 Stat.L. 137), as construed by the Assistant Attorney General for the Interior Department in his opinion in the case of Priscie Carruthers of May 31, 1906 (I.T.D. 8286-1906). The Office concurs in the recommendation of the Commissioner that the motion be denied.

The record in the case is enclosed herewith.

Very Respectfully,

C. F. Larrabee.

Acting Commissioner.

[illegible]

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I.T.D.1664-1907. February 4, 1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On January 26, 1907 (Land 6002), the Indian Office transmitted your report dated January 8, 1907, in regard to a motion for rehearing in the matter of the application of Annie Lewis et al., for enrollment as Creek freedmen.

You state that none of the applicants appear upon the roll of Creek freedmen made by J.W.Dunn prior to March 1, 1867. It is further shown that none of the applicants appear upon any roll of the Creek Nation, nor are they descendants of any person who appears either upon the Dunn roll or upon any subsequent tribal roll. You further state that admitting all the facts set forth in this motion, the applicants would have no right to enrollment.

You recommend that said motion be denied.

The Indian Office concurs in your recommendation. A copy of its letter is enclosed.

In view of Section 3 of the act of April 26, 1906 (34 Stat., 137), said motion is hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos. Ryan,

First Assistant Secretary

Through the Commissioner of Indian Affairs.

1 ins and 4 to Ind.Of.

Muskogee, Indian Territory, March 9, 1907.

Annie Lewis,

Muskogee, Indian Territory.

Dear Madam :--

You are hereby advised that under date of February 6, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the motion for rehearing in the matter of the application for the enrollment of yourself and your three minor children, Jane, Ed and Laura Lewis, as Creek freedmen.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 8, 1907.

A. B. McKee,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that under date of February 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the motion for rehearing in the matter of the application for the enrollment of Annie Lewis and her three minor children, Jane, Ed and Logra Lewis, as Creek freedmen.

Respectfully,

Commissioner.

[illegible] as follows:

[illegible] by the Commission:

[illegible]
[illegible]
[illegible] What is your post office address? A [illegible], Indian Territory.
[illegible] of the Creek Nation? A [illegible]

[illegible] of the Commission [illegible] it appears that Hattie [illegible] for enrollment on Creek Freedman card [illegible] in the partial [illegible] of Creek Freedmen [illegible] March [illegible]

Q Are you the mother of Joseph Knowles? A Yes sir.
Q What is the name of his father? A James Knowles.
Q [illegible] the Creek Nation? A No sir.
Q [illegible] A Yes sir.
Q When was Joseph Knowles born? A He was born February 15, 1901.
Q [illegible] A Yes sir.
Q [illegible] A Three years and five months.
Q [illegible] executed an affidavit relative to the birth of Joseph [illegible]
Q [illegible] that affidavit that he was born on the 15th of January [illegible] Did you say January?
Q [illegible] here but in the affidavit it said January. A I [illegible] made a mistake in the months instead of February [illegible] January instead of February.
Q Who was present when this child was born? A His grandmother, Jane [illegible] and James Knowles, his father.
Q Why is it you have waited so long to come in and have this child enrolled? A Just put it off.
Q What was the reason for you putting it off? A There has been times [illegible] at first but since [illegible] had sickness.
Q [illegible] a child younger than Joseph? A Yes sir, James.
Q [illegible] A The [illegible] of [illegible] 1902, [illegible] year.
[illegible]
[illegible] to [illegible] about [illegible] A [illegible] will be on the 29th of the [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] A. [illegible] home and [illegible]
[illegible]

[illegible] he was about 10 months [illegible]
[illegible] walk when you came [illegible]
[illegible] just beginning to walk [illegible]

[illegible] citizenship [illegible]
[illegible]

[illegible] by Mr. Mott:

Q. [illegible] you [illegible] for him when you filed for yourself?
A. [illegible]
Q. [illegible] entitled to it, didn't you? A. Yes
[illegible] that's all. I had no
[illegible] neglected it. That's all.
Q. [illegible] A. Yes sir.
Q. [illegible]
Q. [illegible] A. Yes sir.
Q. [illegible] A. My brother in law.
Q. Have your children with you? A. No sir, left my children with my
mother.
Q. How far do you live from [illegible] A. Wewoka? Henryetta, Indian Territory.

By the Commissioner:

Q. The child was old enough that you could leave it with somebody else?
A. Yes sir, I left it on nurse, with the bottle.

By Mr. Mott:

Q. [illegible] neighbors right close to you? A. Yes, I have [illegible]
Q. [illegible] people living close to you? A. No sir, no white [illegible]
[illegible] few Indians but they don't live so close to me [illegible]
[illegible] people.

IN RE

Application for Enrollment of

INFANT CHILD

Joseph Knowles

as a citizen of

.....Nation.

Approved ..... 190....

.....

Commissioner.

Henrietta

Mother on the Card # 1571

DEPARTMENT OF THE INTERIOR

Filed Dec 28-1902

AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Application for Enrollment as a citizen of the Creek Nation of
Joseph Knowles, born on the 15 day of Jan. 1901
Name of Father: James Knowles, a citizen of the United States
Name of Mother: Hattie Knowles, a citizen of the Creek
Post-office Muskogee Ind. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Indian Territory.
Western District.

I, Hattie Knowles, on oath state that I am 24 years of age and a citizen, by Treaty, of the Creek Nation; that I am the lawful wife of James Knowles, who is a citizen, by ..., of the United States Nation; that a male (male or female.) child was born to me on 15 day of Jan. 1901, that said child has been named Joseph, and is now living.

Hattie Knowles

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 23 day of December 1901

Myron White
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Indian Territory.
Western District,

I, Jane Day, a Midwife, on oath state that I attended on Mrs. Hattie Knowles, wife of James Knowles on the 15 day of Jan. 1901, that there was born to her on said date a male (male or female.) child; that said child is now living and is said to have been named Joseph

her
Jane X Day
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) S. M. Isaac
John Watkins

Subscribed and sworn to before me this 23 day of December 1901

Myron White
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joseph Knowles as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on July 14, 1904, Hattie Knowles appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Joseph Knowles, as a Creek Freedman.

The evidence shows that the mother of said Joseph Knowles is identified on the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902, No. 4954; that said Joseph Knowles was born prior to May 25, 1901, and living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Joseph Knowles should be enrolled as a Creek Freedman in accordance with the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE, I.T.

October 11-1904

[illegible] Indian Territory, October 18, 1906.

[illegible] for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Joseph Knowles as a Creek Freedman.

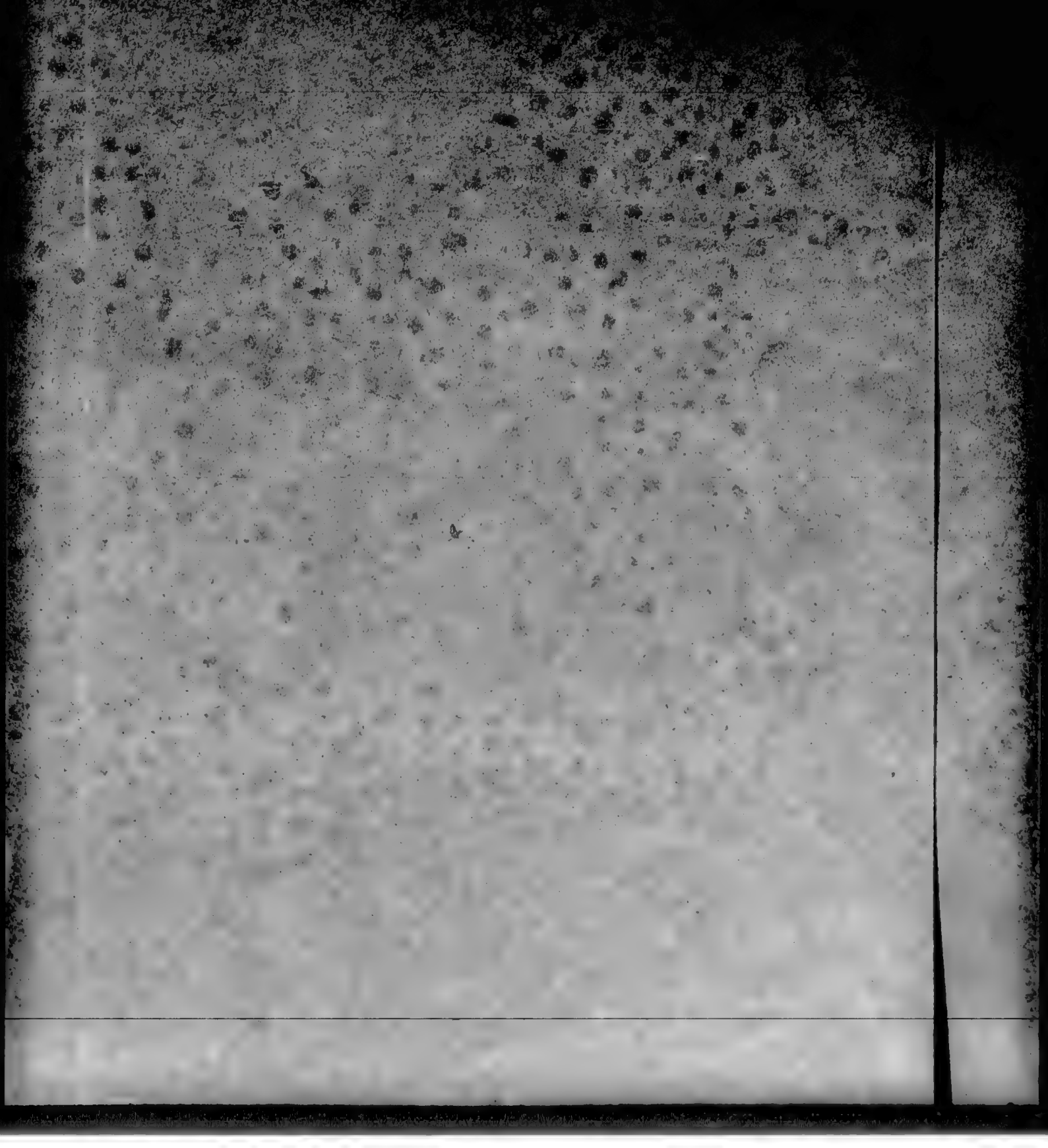
You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Joseph Knowles will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Commissioner in Charge.

HGH-8-10-12

Ft Carl 1956



APPEARANCES: [illegible]
[illegible] Attorney [illegible]

David L. Buford being duly sworn testified as follows:

Examination by the Commission:

Q [illegible] A. [illegible]
Q [illegible]
Q [illegible] A. [illegible]
Q [illegible] enrollment as a Creek Freedman? A. Yes, I [illegible] Creek Indian.
Q [illegible] A. [illegible]
([illegible] says he applies as a Creek Freedman.)
Q [illegible] in the Creek Nation? A. Yes sir.
Q How long [illegible] A. [illegible] only about six months.
Q Where were you born? A. [illegible]
Q [illegible] A. Yes sir.
Q How long did you stay there? A. Till I was thirteen.
Q Were you taken out of the Creek Nation then? A. I wasn't taken out; [illegible]
Q Where did you go? A. To Texas.
Q How long did you stay in Texas? A. I stayed in Texas that time about two years.
Q Has your home ever been in the Creek Nation, your residence, at any time, until you came here this last time? A. Well, all that I had was [illegible]; I have been back here about three times; I had no house here; [illegible] here in [illegible] stayed here a while and then been out in other [illegible]; I have been preaching around.
Q [illegible] the Creek Nation? A. No sir.
Q [illegible] in the Creek Nation do you claim to belong? A. [illegible]
Q You have some children for whom you wish to apply? A. Yes sir.
Q What is the name of the eldest? A. [illegible]
Q How old is she? A. She is about 12 years old.
Q [illegible] A. Willie D.
Q How old? A. [illegible]
Q What is the [illegible] A. [illegible]
Q How old? A. [illegible]
Q Are these children all living? A. Yes sir.
Q What is the name of their mother? A. Claudia.
Q Do you claim she is a citizen of the Creek Nation? A. No sir.
Q [illegible] woman, is she? A. Yes sir.
Q What is the name of your father? A. [illegible] Perryman.
Q [illegible] a citizen of the Creek Nation? A. Yes, by blood.
Q What is the name of your mother? A. [illegible]
Q [illegible] A. [illegible]
Q [illegible] A. When I went out of here I was about 13;

[illegible] called before them Minor? A Yes sir.

The proceedings of the Commission under the act of June 10, 1896 and the records of the Dawes' Commission in possession of the Commission examined and it does not appear that application was made for citizenship in the Creek Nation by the applicant herein.

Was your mother the slave of a Creek citizen? A Well, I think so.
Do you know whether she was? A No sir, I don't know; but I know she was a Perryman; she belonged to my father.
Was she married to your father? A Yes sir.
Did she ever belong to the slave of Perryman or did she ever have any [illegible]
Your mother is dead, I think? A Yes sir.
How long was she dead? A About 22 years.
Is your father dead? A Yes sir.
How long has he been dead? A About 32 years, died in '80.
Do you know the town that your mother belonged to? A Belonged to the [illegible] I don't know.

The Dunn roll examined and the mother of the applicant not identified thereon under the name of Winey Perryman.

John Barnwell being duly sworn testified as follows:

Examination by the Commission:

What is your name? A John Barnwell.
How old are you? A About 45.
What is your post office address? A Kitchita.
Do you know David S. Buford? A Yes sir, slightly acquainted with him.
How long have you known him? A About 8 years.
Do you know who his father was? A No sir.
Do you know who his mother was? A I don't know only what he said it was; I knew the woman.
Did you ever know anybody by the name of Winey Perryman? A Yes sir.
Was she a slave of a Creek citizen? A She was previous to the time I got acquainted with her.
That is from hear-say? A Yes sir, I don't know myself.
About what time did you get acquainted with her? A About '72.
Where did she live then? A In the Creek Nation.
Do you know whether she was a recognized citizen of the Creek Nation or not? A That's only what I heard.
You don't know whether she was recognized by the authorities or not? A No sir.

[illegible] by Mr. [illegible]

Q. Did you ever [illegible] the mother of this applicant before [illegible]
A. [illegible] I [illegible] was quite a boy during the War.
Q. [illegible] her and [illegible] the Territory here from '66 to [illegible]
A. [illegible]
Q. Did you understand [illegible] that Mr. Beavers, the commissioner, asked you [illegible] first began? Did you thoroughly understand him? A. [illegible] him to want to know whether I knew whether she was a [illegible] I don't know that cause I was quite a boy at this time.
Q. [illegible] your knowledge first beginning [illegible]
A. [illegible] from here in '72 from [illegible]
Q. Did you [illegible] before [illegible] A. Yes sir.
Q. When you first [illegible] her did you know her at that time [illegible] a slave or [illegible] Creek Indian? A. That's what she [illegible] [illegible] [illegible] Freedmen or [illegible] excepting [illegible] full blood Indians; we knew that they were slaves.

By the Commission:

Q. Do you know who was her owner? A. Always counted old man [illegible]
Q. Did you know her in slavery time? A. Yes sir, I knew her but wasn't paying any attention; I was just a little boy; on the Canadian [illegible] [illegible] that's where I got acquainted with them.
Q. [illegible] that during the war? A. Yes sir.
Q. [illegible] down there during the war or before the war? A. Must have been during the war.

By Mr. McRae;

Q. Did she have any children? A. If she did I didn't know.
Q. Did she have any children before her death? A. Well, she said there was her children.
Q. Well, she had children but you didn't know? A. Yes sir; they said so.

Tobe McIntosh being duly sworn testified as follows:

Examination by the Commission:

Q. State your name, age and post office address? A. Tobe McIntosh; [illegible] about [illegible]
Q. [illegible] David [illegible] before? A. Yes sir in a short time.
Q. [illegible] you known him? A. About 15 years; he has been away but [illegible] him.
Q. [illegible]
Q. [illegible] him before? A. [illegible] when he was a small boy.

[illegible]

[illegible]

[illegible] A [illegible] tell you [illegible]

Q [illegible] mother? A Yes sir.

Q [illegible] name? A Viney Perryman.

Q [illegible] A Yes sir; she belonged to this Creek.

Q [illegible] you know her during the time of slavery? At the time she was a [illegible] yes sir.

Q How far did you live from her then? A You might say she lived at [illegible] Village and we lived at Broken Arrow; you might say 15 miles [illegible]

Q How long have you lived in the Creek Nation? A All my life.

Q [illegible] taken out during the War- out of the Creek Nation? A Yes sir [illegible]

Q Was she ever known by any other name except Viney Perryman? A [illegible]

Q Did she come back after the war? A Yes sir, she was back here; [illegible]

Q [illegible] what time did she come back, do you know? A Along about [illegible]

Q [illegible] did she come from? A Red River; I don't exactly [illegible] [illegible] in Texas; can't tell you.

Q [illegible] was it [illegible] or do you remember? A I [illegible]

Q [illegible] she was here then or not? A No sir, but I [illegible] [illegible] in '67; I know her back here in '67.

Q [illegible] she came back here in [illegible]? A '67.

Q [illegible] was it in '67 that you saw her that you remember? A I can't say what time of the year I saw her.

By Mr. McAnet:

Q You remember this applicant as being the same boy that you knew as the son of Viney Perryman? A I will swear that; yes sir.

Q I believe you stated she died here, in the Creek Nation? A [illegible]

Q Did you ever know her to live out of the Creek Nation, from the time you saw her in '67 here until the time she died? A No sir.

[Statement by Mr. McAnet: It is admitted that none of the applicants herein are on any of the Creek tribal rolls, nor have they been admitted to citizenship in the Creek Nation.]

[illegible] being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes [illegible].

Henry G. Hains

Subscribed and sworn to before me this 8th day of July, 1904.

Charles H. Sawyer

Notary Public.

[illegible]

David L. Buford, [illegible]

[illegible]

[illegible] minor children, Medine, [illegible] [illegible]

The evidence shows that the mother of the applicants is [illegible] identified on the Roll of Creek Freedmen made by [illegible] he is not the descendant of a person whose name is [illegible]

It does not appear that the applicants, [illegible] have ever been enrolled as citizens of the Creek Nation, nor does it appear that they or any of them have ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said David L. Buford, Medine Buford, Willie D. Buford and Cason Buford, as Creek Freedmen, and that the application for their enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible]
Chairman.

[illegible]
Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

FEB 9 - 1905

[redacted]

[redacted]
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of yourself and minor children, Nodine, Willie D. and Omega Buford, as Creek Freedmen, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Department will be made known to you as soon as [redacted] of the same.

Respectfully,

(SIGNED) James Dixon.

Chairman.

Recorder.
JYL-S-EB.

COPY.

A. B. McRae,
Attorney for David L. Buford, et al,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of David L. Buford, et al, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED Tams Bixby.
Chairman.

JYK-3-23.

W. O. Reese,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of David L. Buford, [illegible] as a Creek Freedman.

The decision, with a copy of the proceedings [illegible] case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision [illegible] will be made known to you as soon as the [illegible] of the same.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

JJA-3-24.

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of David L. Buford, et al., as Creek Freedmen, including the decision of the Commission, dated February 2, 1905.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JTM-3-16.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. [illegible]
L [illegible]

[illegible]

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

For use in the adjudication of the application of David L. Buford for the enrollment of himself and his minor children, Medina, Willie D., and Omega Buford, as Creek freedmen, transmitted by your letter of February 3, 190[illegible], you are requested to inform the Department whether the name of David L. Buford appears upon any Creek tribal rolls as belonging to the town of Big spring, Creek Nation, in your possession.

Respectfully,

M.W.Miller

Assistant Secretary.

The Honorable,
The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of the Department's [illegible] action of June 13, 1908 (I.T.D. 2796-1908), in the matter of the application for the enrollment of David B. Buford of Okla., as a Creek Freedman, in which information is requested as to whether the name of David B. Buford appears on any of the Creek tribal rolls in the possession of the Commission as belonging to the town of Big Spring, Creek Nation.

Reporting in said matter the Department is respectfully advised that the tribal rolls of the Creek Nation for the town of Big Spring in the possession of the Commission [illegible] and the name of David B. Buford does not appear in said town on any of said rolls.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

W 542

[illegible]

I.T.D. 1796, [illegible]-1905.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, August 4, [illegible]

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 3, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of David L. Buford for the enrollment of himself and his three minor children, Medine, Willie D., and Omega Buford, as Creek freedmen, including the decision of the Commission dated February 2, 1905, adverse to all the applicants.

June 23, 1905, upon request of the Department, the Commission to the Five Civilized Tribes transmitted a further report relative thereto.

February 17, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission dated February 2, 1905, adverse to all the applicants be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized dated February 2, 1905, denying the application of David L. Buford for the enrollment of himself and his three minor children, Medine, Willie D., and Omega Buford, as Creek Freedmen is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 5,1905, transmitting the record of the application, made July 12,1904, for enrollment as Creek Freedmen by David L. Buford for himself and his minor children, Medina, Willis D., and Omega Buford.

February 2,1905, the Commission decided adversely to the applicants.

The record shows that no prior application has been made; that none of the applicants is a descendant of a person whose name is found on the Dunn Roll, and that none of them has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.M.W.

En 642

Muskogee, Indian Territory, July 16, 1906.

D. L. Buford,
Care George Campbell,
Attorney at Law,
Coffeyville, Kansas.

Dear Sir:

On June 28, 1906, there was received by this office a letter under date of June 24, 1906, from George Campbell of Coffeyville, Kansas, inclosing motion to set aside a former ruling denying the application for the enrollment of yourself and your minor children as Creek Freedmen. The date stamped on envelope inclosing said letter and motion shows that same was mailed on June 27, 1906.

The records in the possession of this office show that on August 4, 1905, decision of the Commission under date of February 8, 1905, denying the application for the enrollment of David L. Buford and his minor children, Modine, Willis D. and Omega Buford as Creek

freedmen, was affirmed by the Department and that you were advised of said Department action on August 18, 1906.

The act of Congress approved April 26, 1906 (Public No. 129), provides in part as follows:

> . . . [illegible] in respect of freedmen may [illegible], in any of said tribes, shall by [illegible] unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act. . . .

You are, therefore, hereby advised that under the provision of law above quoted this office is now without jurisdiction to entertain said motion.

Respectfully,

Commissioner.

George Campbell & Company

Attorneys at law

Coffeyville, Kansas 4/26/06

I now inclose you motion of D.L.Beuford to set aside the former ruling by which he and his minor children were rejected from the rolls of the Creek Freedmen. He says he was rejected, he believes, on the 12th day of August 1904

Please file this application and oblige

Respectfully yours

George Campbell

TO THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES, MUSKOGEE, I. T.,

David Paraman, of lawful age, being first duly sworn says that he is 37 years old. That his fathers name was Christ Paraman and was a Creek Indian, and his mothers name in early life was Minnis Buford, and affiant is sometimes called by the name that the mother bore prior to her connection with Christ Paraman, the father of this affiant.

Affiant says that he has four minor children named as follows: Lorreen, Willie D., Zaidie, and Omega Paraman. Affiant says that he and said minor children were upon the rolls of the Creek Freedmen but that for some reason his name has been stricken therefrom and also his minor children and he comes now and asks that said ruling by which his name and that of his minor children were stricken from the rolls, be set aside and held for naught and that he be permitted to offer such proof as will establish his rights and that of his minor children to a place upon the rolls from which their names were unjustly dropped.

Affiant asks this in the interests of justice and as a matter of right that he believes is accorded him under the treaties, laws, rules and regulations existing between the United States and the people of the Creek Nation.

D. L. Buford

Subscribed and sworn to before me this 26th day of June 1906.

George Campbell
Notary Public.

My commission expires May 29th, 1909.

[illegible]

[illegible], August 12, 1905.

[illegible]

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 4, 1905, the Secretary of the Interior affirmed the decision, dated February 8, 1905, of the Commission to the Five Civilized Tribes denying the application for the enrollment of David L. Buford and his minor children, Eudine, Willie D. and Omega Buford as Creek freedmen.

Respectfully,

Acting Commissioner.

Enc.568.

Muskogee, Indian Territory, August 18, 1906.

A. S. [redacted],

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of August 4, 1906, the Secretary of the Interior affirmed the decision, dated February 2, 1906, of the Commission to the Five Civilized Tribes denying the application for the enrollment of David L. Buford and his minor children, Medine, Willie D. and Omega Buford as Creek freedmen.

Respectfully,

Acting Commissioner.

Secretary, Indian Territory,

Dear Sir:

You are hereby advised that under date of August 4, 1905, the Secretary of the Interior affirmed the decision, dated February 2, 1905, of the Commission to the Five Civilized Tribes denying the application for the enrollment of yourself and your minor children, Modine, Willie D. and Smoga Buford as Creek freedmen.

Respectfully,

Acting Commissioner.

CR EN 543

CR EN 543

[redacted]

[redacted] being duly sworn, testified as follows through [redacted] sworn interpreter:

Examination by the Commission:

Q What is your name? A Notkis Harjo.
Q What is your age? A About 60.
Q What is your post office? A Weleetka.
Q Have you made application for the enrollment of Yuna Hopiye as a citizen of the Creek Nation? A Yes sir.
Q Are you his [redacted]? A Yes sir.
Q Is [redacted] Yuna Hopiye.
Q [redacted] A Yes sir.
Q What is the name of Yuna's mother? A Sukey.
Q Who is Judy? A Judy is the wife of Hopiye.
Q Well, is she the child's mother? A Yes sir.
Q Ought not this child to be called Yuna Johnson instead of Yuna Hopiye? A
Q The father and mother being enrolled as Johnson? A Hopiye is his Indian name.
Q Well, now, is this boy's English name Yuna Johnson? A Yes sir.

Records of the Commission examined and it appears that [redacted] Cooper and Judy Johnson are listed for enrollment on Creek Indian Card Field No. 3905, and that their names are contained in the partial list of C Creek citizens by blood approved by the Department March 28, 1902, Nos. 8933-8934.

Q What is the reason the father and mother have not made application for the enrollment of this child? A He says he has taken it upon himself to have them enrolled and select his allotment because his parents would not, they are "Snakes".
Q When was Yuna born? A Don't know the exact date.
Q Do you know the year he was born in? A No sir.
Q How old is he? A About five years old.
Q Is this a boy or girl? A Boy.
Q Is he living? A Yes sir.
Q Did you make an affidavit about this boy when the Commission had a party out in the field? A May be so.
Q Do you know what month the boy was born in? A No sir.

Charles Goseman being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Charles Goseman
Q How old are you? A About 51 I guess.
Q What is your post office address? A Watumka.
Q Do you know Cooper and Judy Johnson? A Yes sir.
Q Do you know a child of theirs named Yuma? A Yes sir.
Q Do you know how old that child is? A Yes sir.
Q About how old is that child? A Must be about five years old; he was born in Muskogee during the Fall; the council was in session then; Cooper was a member of council at that time, and had camped.
Q Was that before the first Creek treaty? A I don't know about that; I think it was after that.
Q They didn't have any Creek treaties until 1901- about three years ago.
A It was before that, then.
Q Does the boy appear to be about five years old? A Why, yes sir.

Josie Yahola being duly sworn testified as follows through Alex Posey, official interpreter:

Examination by the Commission:

Q What is your name? A Josie Yahola.
Q How old are you? A About 50.
Q What is your post office address? A Weleetka.
Q Do you know Cooper and Judy Johnson? A Yes sir, very well.
Q Do you know a child of theirs named Yuma? A Yes sir.
Q Do you know how old that child is? A I am not certain but the child is evidently over four years old.
Q Have you a child about the age of Yuma? Anywhere near the age?
A No sir I have no children.
Q You are satisfied the child is more than four years old are you?
A Yes sir.

The affidavit heretofore filed relative to the birth of Yuma Johnson is made a part of the record herein.

[illegible] and sworn to before me this [illegible] day of [illegible], 1904.

[illegible]

[illegible]

DECISION ON THE APPLICATION
FOR ENROLLMENT AS CITIZEN BY BLOOD

-vs-

In the matter of the application for the enrollment of [illegible] Johnson, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on July 18, 1904, Tobe [illegible] appeared before the Commission and made application for the enrollment of his grandchild, Tena Johnson, as a citizen by blood of the Creek Nation.

The evidence shows that the names of Cooper and Judy Johnson, parents of said Tena Johnson, are contained in the partial roll of Creeks by blood approved by the Secretary of the Interior, March 28, 1902, and May 25, 1902, respectively.

The evidence further shows that said Tena Johnson was born prior to July 1, 1900, and living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Tena Johnson should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of [illegible] and March 3, 1901, [illegible] and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JAN 30 1905

Creek Enr. No. [illegible]

Muskogee, Indian Territory, January 4, 1906.

[illegible] Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Yuna Johnson as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Yuna Johnson will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

[illegible]

[illegible]-18

MISCELLANEOUS
RECEIVED
JAN 25 1917
ENCL TO
NO. 10886

STATE OF OKLAHOMA.
Hughes County.

AFFIDAVIT.

Johnson B. Tiger, being first duly sworn on his oath, deposes and states that he is the lawfully appointed and acting guardian of Yuna Johnson, a full-blood Creek Minor, who appears opposite Roll No. 9944.

That he has had occasion to examine the said records and finds that Yuna Johnson is enrolled thereon as a female;

That the Yuna Johnson for whom he is guardian is the same Yuna Johnson who is enrolled on the Creek Tribal rolls opposite the above roll number;

That in truth and fact the said Yuna Johnson above named is a minor male person and the record showing that the said Yuna Johnson to be a female is incorrect in that particular.

In witness whereof, he has hereunto set his hand this the 27th day of December, 1916.

Johnson B. Tiger.

Subscribed and sworn to before me this the 27th day of December 1916.

Notary Public.

MY commission Expires:-

CR EU 544

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
[illegible], I.T. JUNE 12, [illegible].

In the matter of the application for the enrollment of Martha [illegible] as a citizen by blood of the Creek Nation.

In the matter of the application above, Martha [illegible] being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Martha [illegible].
Q What is your age? A [illegible]
Q What is your post office address? A [illegible]
Q [illegible] for enrollment as a citizen of the Creek [illegible]
[illegible] to be enrolled as a Creek by blood.
[illegible]
[illegible]
Q [illegible] you lived in the Creek Nation? A I have been here [illegible]
[illegible]
Q [illegible] A [illegible] here in the Creek Nation by Big Springs.
Q [illegible] the Creek Nation? A Yes sir.
Q [illegible]
Q [illegible] A [illegible] he married my [illegible]
[illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible] Yes sir.
Q [illegible] A Yes sir.
Q Where did he die? A [illegible] Creek Nation.
Q How long did he live in [illegible] there at first?
A [illegible]
Q [illegible] the Creek Nation? A Yes sir, [illegible]
Q [illegible] A [illegible] years old when [illegible]
[illegible]
[illegible]
[illegible]
Q [illegible]
Q [illegible]
Q [illegible] A [illegible] months.
Q [illegible] A [illegible] and then I come over
[illegible] around with the white people.
Q [illegible] drew any money from the Creek Nation? A No sir, I haven't
[illegible]
Q Have you been admitted to citizenship in the Creek Nation? A No sir.
Q [illegible] any authorities of the Creek Nation? A No sir.
Q [illegible] before this Commission before [illegible]
[illegible] A No sir.
Q [illegible] A No sir.
Q [illegible] before the Creek authorities and asked for enrollment
[illegible]

Q What is the name of your father? A Grisby Perryman.
Q Was he a citizen of the Creek Nation? A Yes sir.
Q Was he a Creek by blood? A Yes sir.
Q What degree of blood do you claim? A My father was half Indian.
Q You don't claim to be a full blood then? A No sir.
Q To what town in the Creek Nation do you claim to belong? A Big Spring
Q Are you married? A Yes sir.
Q Your husband's name Butler? A Yes sir.
Q Were you ever married before this time? A No sir.
Q You never had any other names but Perryman and Butler? A No sir.
Q Never went by any other name? A No sir.
Q What is the name of your mother? A Elizabeth Brown.
Q Do you claim that she was a citizen of the Creek Nation? A Yes sir. I think she went out from here; I don't know anything of my mother; I was small; I was a baby when she died.
Q Do you know anything about what town she belonged to? A No sir.
Q Was your mother a colored woman? A Yes sir.
Q Why is it that you have waited so long to make application for enrollment? A I was just traveling around working for white people; I thought it wouldn't make any difference; I thought I could get in any time.

The 1890 authenticated tribal roll of the Creek Nation and the 1895 omitted roll and the 1895 pay roll and the 1895 omitted roll examined and the applicant not identified on any of said rolls.

The records of the Commission examined and it does not appear that application was ever made to the Commission for the admission of the applicant to citizenship in the Creek Nation to this Commission under the act of June 10, 1896.

Records of the Colbert Commission in the possession of the Commission examined and it does not appear that application was made to said Commission for the admission of the applicant to citizenship in the Creek Nation.

The Dunn roll examined and Elizabeth Brown not identified thereon.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 26th day of July, 1904.

Charles H. Sawyer

Notary Public.

No. 8[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Martha Ruler as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on July 12, 1904, Martha Ruler appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Creek Nation.

It appearing that the applicant claims that her mother was a negro, this case is treated as an application for enrollment as a Creek by blood, and also as a Creek Freedman.

The evidence shows that the applicant herein is not a full-blood Creek Indian, and that she is about twenty-nine years of age.

It does not appear that the applicant herein has ever been enrolled as a citizen of the Creek Nation, nor does it appear that she has ever been admitted in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is therefore the opinion of the Commission that there is no authority of law for the enrollment of said Martha Ruler as a citizen of the Creek Nation, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

COMMISSIONER.

C. R. Breckinridge.
COMMISSIONER.

DATED AT MUSKOGEE, I.T.

OCT 11 1904

Muskogee, Indian Territory, October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Martha Ruler as a citizen by blood of the Creek Nation, including the decision of the Commission, dated October 11, 1906, denying said application.

Respectfully,

Tams Bixby

Chairman.

Through the
Commissioner of Indian Affairs.

MCM-7-10-17.

Ex. 544.

Muskogee, Indian Territory, October 17, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Martha Ruler as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

HGH-5-10-17.

No. 344

Muskogee, Indian Territory, October 17, 1904.

Martha Ruler,

Chocotah, Indian Territory.

Dear Madam:

There is herewith inclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

HGH-6-10-17
Register.

Land
74092-1904

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON October 28, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated October 17, 1904, transmitting the record of the application, filed July 12, 1904, for enrollment as a citizen by blood of the Creek Nation by Martha Ruler.

October 11, 1904, the Commission decided adversely to the applicant.

The record shows that the applicant is not a full blood Creek and that she is about twenty-nine years old.

It does not appear that the applicant has ever been enrolled as a citizen of the Creek Nation nor that she has ever been admitted to citizenship by the Creek tribal authorities or by any tribunal of the United States.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.M.

W.

DEPARTMENT OF THE INTERIOR N.A.F.

WASHINGTON RJK

I.T.D. 11068-1904 November 4, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

The Department is in receipt of the Chairman's communication of October 17, 1904, transmitting the record in the matter of the application for the enrollment of Martha Euler as a citizen by blood of the Creek Nation, or as a Creek freedman, together with your decision of October 11, 1904, denying said application.

Forwarding the papers October 28, 1904, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is enclosed.

The Department hereby affirms your decision in said case.

Respectfully,

(Signed) W.L.Campbell.

Acting Secretary.

1 inclosure.

Cr. No. 5604

Muskogee, Indian Territory, November 14, 1904.

Marcus Tyler,

Checotah, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of November 4, 1904, affirmed the decision of the Commission, dated October 11, 1904, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Register.

Cr. No. 544.

Muskogee, Indian Territory, November 14, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of November 4, 1904, affirmed the decision of the Commission to the Five Civilized Tribes, dated October 11, 1904, denying the application for the enrollment of Martha Ruler as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Refer in reply to the following:
Land [illegible]-1904.
[illegible]-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON: MARCH 8, 1905.

The Five Civilized Tribes Commission,
Muskogee, Indian Territory.

Gentlemen:

On November 4, 1904, the Department affirmed your decision adverse to the application for the enrollment of Martha Buler as a citizen by blood of the Creek Nation. By inadvertence, as is supposed, the records in the case were transmitted with said Departmental decision. If so, you are requested to return the same, a motion for re-opening the case having been filed.

Very respectfully,

(Signed) C.F.Larrabee,
Acting Commissioner.

WSM C.

GR.LLB.LRS.

I.T.D. 11088-1904.
4621-1905.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, June 24,1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 18,1905, there was filed with the Department a motion and affidavits in support thereof for a review of departmental decision of November 4,1904 (I.T.D.11088), affirming your decision of October 14,1904, denying the application of Martha Ruler for her enrollment as a citizen by blood or as a Creek freedman of the Creek Nation.

The Department finds no reason to disturb said decision and applicant's motion for a review thereof is hereby denied. You will so advise applicant.

Respectfully,

(Signed)E.A.Hitchcock,

Secretary.

QR EN 545

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T., July 28th, 1902.

In the matter of the Application for the enrollment of Eliza Manuel as a citizen of the Creek Nation.

Appearances, J. C. Lowery, attorney for heirs of applicant.

William Peter, being first duly sworn, testified as follows:

(By the Commission)

Q. What is your name? A. William Peter.
Q. How old are you? A. About 60 years old, I guess.
Q. What is your Post Office address? A. Lee, Indian Territory.
Q. Are you a citizen of the Creek Nation? A. Yes sir.
Q. What town do you belong to? A. Canadian.

(By the Commission)

From an examination of the records of the office of the Commission it appears that William Peter is regularly listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card No. 390.

Q. Did you know Eliza Manuel during her life-time? A. Yes sir.
Q. What relation was she to you? A. She is my mother.
Q. Do you remember, Mr. Peter, when you filed on your allotments in the Creek Nation? A. I couldnt tell you just when it was.
Q. Is Eliza Manuel dead? A. Yes sir.
Q. Did she die before or after you filed on your allotments? A. Well, that is something that I cant remember. I did know. I just couldnt be positive each way.
Q. Do you know when she died? When did she die? A. I acknowledge I dont know. I acknowledge I made a mistake when I told when she did die. I cant tell one date from another.
Q. Do you mean to say you dont know when Eliza Manuel died? A. Yes sir, I do. I dont know nothing about the date or year or nothing.
Q. On June 4th, 1901, you made affidavit in this office that Eliza Manuel died on the 30th day of July, 1898. Now, does this Commission understand you to say that when you made this affidavit you didnt knowwhen she died? A. Yes sir, I made a mistake about it.
Q. You say you dont know anything about the time when she did die? A. No sir, I dont.

(By Mr. Lowery)

Q. Mr. Peter, you dont read nor write, do you? A. No sir.
Q. Who came in here when you made this affidavit? A. Me and my sister.
Q. What is her name? A. Nancy McIntosh.
Q. Now, can Nancy read or write? A. No, neither of us can read or write, and cant tell the year or month.
Q. Mr. Peter do you when your mother died? --How long your mother has been dead? A. Now to be positive I couldnt tell you to save my life.

Q. Who did you get the coffin from to bury your mother? A. I [illegible]

Q. Who did get the coffin? A. Murray Perry.

Q. Was it eight years ago in 1898 or in 1899 that your mother died? A. I dont know because I couldnt give the date or year or month.

Nancy McIntosh, being first duly sworn testified as follows:

(By the Commission)

Q. What is you name? A. Nancy McIntosh.
Q. How old are you? A. Well sir, I dont know.
Q. About how old Are you? A. Actually I couldnt tell you.
Q. What is your Post Office address? A. Ridge, I.T.
Q. Are you a citizen of the Creek Nation? A. Yes sir.
Q. What town do you belong to? A. Canadian.

(By the Commission)

From examination of the records in the office of the Commission it appears that Nancy McIntosh is regularly listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card No.317.

Q. Do you remember when you made your filing on your allotments in the Creek Nation? A. Yes sir, I can remember something of it.
Q. Do you remember when you first came to this office to file? A. No sir, I couldnt tell you just when it was.
Q. Were you acquainted with Eliza Manuel during her lifetime? A. Yes sir.
Q. What relation is she to you? A. She was my mother.
Q. Is she dead? A. Yes sir.
Q. Did she die before or after you first made your selection of land? A. I aint certain. I wont be positive be cause I dont know for sure one year from another. I think I had made some selection of some parcel of my land, but I wont be certain.
Q. Do you know when Eliza Manuel died? A. No sir.
Q. On June 4th, 1900 you appeared at the office of this Commission and made affidavit that Eliza Manuel died July 30, 1898. Do you now mean to say that when you made that affidavit you didnt know when she died? A. Yes sir, I must made a mistake. I told the gentleman at the time I didnt know when she died--
Q. When you swore that it was July 30, 1898 you didnt know whether it was that date or not then did you? A. No sir.
Q. What did you make the affidavit for ? A. Well, he just asked the question--
Q. You dont know then whether Eliza Manuel died four years or five years ago? A. No sir, I dont, I dont think it was quite five years ago, though.

(By Mr. Lowery)

Q. Was you present when your mother died? A. Yes sir.
Q. Who else was present? Mr. Elbert Barber was present.
Q. Was there any record kept of the death of your mother? or not? A. We wasnt able to take any.
Q. Did you see him take any record of it? I didnt see him. He took it I guess, he was with us.
Q. Then when you came here and made this affidavit you had no

[illegible] as to what year it was or anything of the kind? A. [illegible]
Q. [illegible] the coffin? A. My brother, Andrew Peter.

(By the Commission)
Q. At the time [illegible] died did anyone write in a book or on a piece of paper the date of her death? A. No sir, not as I know [illegible]

[illegible]
Q. [illegible] Mr. Barber, what relation is he to you? A. [illegible] he is my brother's son-in-law.
Q. Mr. Barber is about the only one in the whole family that can read or write, isnt he? A. Yes sir, he is the only one we looked to to do such things.
Q. Has it been the custom that he take the records of the births and deaths in your family? A. Yes sir, in our family.

....

Andrew Peter, being first duly sworn, testified as follows:

(By the Commission)
Q. What is your name? A. Andrew Peter.
Q. How old are you? A. Fifty-five past.
Q. What is your post office address? A. Muskogee, I. T.
Q. Are you a citizen of the Creek Nation? A. Yes sir.
Q. What town do you belong to? A. Canadian.

(By the Commission)
From examination of the records in the office of the Commission it appears that Andrew Peter is regularly listed for enrollment as a citizen of the Creek Nation on Creek Freedman Card 171.
Q. Did you know [illegible] Manuel? A. Yes sir.
Q. What relation is she to you? A. Mother.
Q. Is she dead? A. Yes sir.
Q. Do you know when she died? A. Not exactly.
Q. Did she die, Mr. Peters, before or after you filed on your land? A. She was already dead, when I first filed on my allotments, the best that I can recollect.
A. How long had she been dead? A. I got that wrong when I come to think. I think we was in a little dispute about some land before the land office opened, and they told me as soon as the land office opened I must come in and file and I filed on some part of the land we had some trouble over, but I come in, and she was living when I first filed and I think she lived about two or three or four months maybe, but I am satisfied she was living when I first filed.
[illegible] it seems [illegible] has been about three years ago right [illegible] the one that come and got the coffin in the [illegible]
Q. Did she die in the spring, in the summer, or in the fall? A. I [illegible] it was very warm weather when she died for we had to take some ice along with us.

Q. [illegible] died? A. No sir, I lived [illegible] and [illegible] all [illegible] close to her, and they came [illegible]
Q. [illegible] or not anyone kept a record of the date [illegible] of [illegible] but there were some of the [illegible] there when I got there.
Q. [illegible] died, whether she died in 1898 or 1899, are you? A. I am not certain. It might be in 1898 and it may be later.

(By Mr. [illegible])
Q. Are you the man that [illegible] that coffin? A. Yes sir.
Q. Who did you get it from? A. Mr. Moore--Charley Moore.
Q. You wasnt present when she died? A. No sir.
Q. Do you know Mr. Barber. A. Yes sir.
Q. Where did he live? A. You meanat that Time?(Mr. Lowery) Yes. A. Why, he lived about a hundred yards from where my mother died.
Q. What relation was he, if any, was he to your mother? A. He was not any by blood to us.
Q. Do you know of anybody keeping a record of the births and deaths of your family.? A. No sir, not of our family not particular, but he (Barber) was a young man who did such things and loved to keep a record of such things. I dont know that he made a record of that.

....

Elbert Barber, being first duly sworn, testified as follows:

Q. (By the Commission)
What is your name? A. Elbert Barber.
Q. How old are you? A. 28.
Q. What is your post office address? A. Choska.
Q. Are you a citizen of the Creek Nation? A.No sir.
Q. Did you know Eliza Manuel during her lifetime? A. Yes sir.
Q. Do you know when she died? A. Yes sir.
Q. When did she die? A. She died July 14, 1899.
Q. Was you present at the time she died? A. Yes sir.
Q. How do you know she died July 14, 1899? A. Because I recorded it.
Q. In what did you record it?
A. In the Bible.
Q. In whose Bible? A. In mine.
Q. Do you usually carry your bible around with you when you visit the sick? A. Yes sir.
Q. Are you a minister of the Gospel? A. Yes sir.
Q. Did you make this entry in the Bible the day she died? A. Yes sir, the night.
Q. Did anyone else besides you make a record of her death? A. Well, I dont know whether they did or not.

(By Mr. Lowery)
Q. Have you that Bible with you, Mr. Barber? A. Yes sir.
Q. Produce it, please. (Witness produces Bible in evidence.)

(By The Commission)
Q. Mr. Barber you stated a moment ago that you was in the habit of taking that bible with you when you visited the sick, how many sick people have you visited that died? A. I have visited several that died.
Q. [illegible] did [illegible] everybody that died, here? A. No sir, Eliza Manuel [illegible]

...wife's grandmother, and I was particular about getting her name.

Q. The balance of the names on this blank page are of your own family, are they not? A. Yes sir.

(By the Commission)

Bible introduced by the part of E. C. Lowery, and there appears on blank leaf with other entries the following: "Mahala Chapel died July 14, 1899."

Q. You have no interest in his estate, have you Mr. Lowery? A. No sir, not any whatever.

Q. Do you know whether or not your entry of this death was the only record made of her death? A. To my knowledge--there might be others.

(By Mr. Lowery)

Q. This Bible that you introduced is a family bible, is it not? A. Yes sir.

Q. Is it your custom to take it around and take down records of the birth and death of anyone except in your family? A. No sir.

Q. Who was present at the time she died? A. There was a few people, me and my wife, and quite a number of neighbors around there.

Q. State to the best of your knowledge about how many years it has been since Miss Mahala died. A. Well, it has been three years the 14th of July--this month.

.....

Edward B. Miller, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above entitled cause on the 28th day of July, 1902, and that the foregoing is a full, true, correct and complete transcript of his stenographic notes of the said proceedings on said day.

Edward B. Miller

Subscribed and sworn to before me at Muskogee, I. T., this 28th day of July, 1902.

W. A. Rowe

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JAN 27, 1904.

Freedman Card
#1064

In the matter of accounting for those persons whose names appear on the Creek tribal rolls who died prior to April 1, 1899, and are not shown on said rolls to have been otherwise accounted for.

Henry C. Reed being duly sworn testified as follows:

BY THE COMMISSION:

Q What is your name? A Henry C. Reed.
Q How old are you? A Sixty three.
Q What is your post office address? A Lee.
Q Are you a citizen of the Creek Nation, Canadian town? A Yes sir.
Q What offical position do you hold? A Member House of Warrioirs.
Q Do you know Eliza Manuel who was the mother of William Peter?
A Yessir.
Q Did she die before the land office opened? A Died before the land office opened.
Q Is she kin to you? A First cousin.
Q You are positive she died before the land office opened? A Yes sir, I attended the funeral.
Q You were formerly town king of Canadian town, were you? A Yes sir.
Q You are familiar with the names of the citizens of that town?
A A great many.
Q With the older ones particularly? A Yes sir.
Q You have known Eliza a long time? A Known her since her childhood; I told William Peter that his mother died before the land office opened and that he ought not to try to get her on the roll, that she was not entitled.
Q What did William say to you about it? A He said he wanted to make application for the enrollment of his mother; he come to me as a witness and I told him I couldn't do it, cause to my best recollection his mother died before the land office opened; he said he made a mistake and tried to make it right and I told him not to do anything with the first one; that the first one of them papers was right and not for him to correct it.

Henry C. Hains being sworn on his oath states thathe reported the above and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Hains

Subscribed and sworn to before me this 28th day of January, 1904.

Charles K. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. July 27, 1904.

Supplemental Testimony

In the matter of the application for the enrollment of Eliza Manuel, deceased, as a Creek Freedman.

APPEARANCES: M. L. Mott, Attorney for Creek Nation.
Elbert Barber, being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Elbert Barber.
Q How old are you? A Thirty.
Q What is your post office address? A Redbird.
Q Did you know Eliza Manuel in her life time? A Yes sir.
Q Was she related to you in any way? A My wife's grandmother.
Q Your wife is the daughter of William Peter, is she? A Yes sir.
Q You are not a citizen of the Creek Nation yourself? A No sir.
Q How long have you lived in the Creek Nation? A 11 years now. I came here in '93; 12 years this fall.
Q Do you know when Eliza Manuel died? A Yes sir; I have got the death at home in my Bible; I forgot to bring it and I disremember just exactly but I think it was the 4th of July, 1899; I won't be positive now but I have the death in the Bible at home.
Q Were you notified by William Peter that he desired you to come here and testify in this case? A Yes sir, but I didn't know what case it was; you see he had an aunt that died and his aunt and his mother, and I wasn't thinking about what case it was; I thought they had got through with this until I got here; otherwise, I could have brought my Bible along; if you remember, I consulted the Bible before inthis case.
Q You are a preacher, are you? A Yes sir.
Q Do you visit people that are sick? A Yes sir.
Q You consider that as part of your duties as a preacher? A Yes sir.
Q Did you visit Eliza Manuel during her last sickness? A Yes, I was there a whole week before she died; stayed with her.
Q When did you make that entry in the Bible concerning the death of Eliza Manuel? A I think it was about the 2nd day she died; right along during the time she died; I think it was about the 2nd day or maybe the next day.
Q Did you have a child named Lawrence Barber? A Yes sir.
Q Is he dead? A Yes sir.
Q Which died first, Eliza Manuel, or your son, Lawrence? A I think my child died a little while before; 5 or 6 days to the best of my remembrance; or it maybe a week before she died; my kid died the 8th day of July, 1899.
Q Now, I understand you to say you spent a week with Eliza Manuel immediately prior to her death? A Yes sir, before she died.
Q Immediately before her death you spent a week with her? A Yes sir, I think my child died like this week and we buried it, and I went right on and stayed with her.
Q You are positive she died after your child died? A Yes sir.
Q You know that? A Yes sir, but just to the amount of days I don't know; I don't know the date of her death exactly, understand, cause I have forgot; I have it on my Bible; and all these things I can't remember; I am satisfied that its not very long between the deaths of the two people; not over 5 or 10 days; I can't attempt to remember all these

The records of the Commission show that the name of Lawrence Barber is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior June 28, 1904, roll No. 5466, and that he was born July 8, 1899.

By Witness: Since you mention it I think that woman died [illegible] something like that.
Q Of course she died after the child? A Yes sir; I have got it [illegible] in the Bible
Q [illegible] when you visit the sick and they die to put down the dates of death? A All that's relative to me; some others; some [illegible] some of our people that-a-way we put it down.

Examination by Mr. Mott:
Q Are you a minister? A Yes sir.
Q Was this woman a member of a congregation that you were in charge of? A No sir, she wasn't.
Q Any relation of yours? A My wife's grandmother.
Q When did you say she died? What date? A Understand I am not going to be positive right now as to the date; I have it in my Bible; I think it was about the 14th of July or the 20th; directly after my child died; 1899.
Q After your child died, 1899? A I am sure it was after the child died but just to the day I won't be positive, cause I don't know.
Q Where were you when they made application before? Why weren't you a witness in this case in the beginning? A I was.
Q You were sworn and examined in this case before? A Yes sir.
Q This is the only entry of a death outside of your immediate family in that Bible? A Why, I have my wife's brothers death in there too I think.
Q Not at the time you examined before, was it? A I think it was; I am not possible, but I have got my wife's brother's death in my bible, but I don't know whether it was before that or since.

Lula Barber being duly sworn testified as follows:

Examination by the Commission:
Q What is your name? A Lula Barber.
Q How old are you? A Twenty seven.
Q What is your post office address? A Redbird, I.T.
Q Are you the wife of Elbert Barber? A Yes sir.
Q Daughter of William Peter? A Yes sir.
Q Is Eliza Manuel your grandmother? A Yes sir.
Q Do you know when she died? A Not exactly.
Q Have you a child named Lawrence? A Yes sir.
Q Which died first, Lawrence or your grandmother? A Lawrence; I haven't been keeping up with it.
Q How long did your boy die before her? A I don't know sir; we have it down in a book. I wasn't expecting to be called.
Q Do you know when your grandmother died? A No sir, I can't tell you to save me.
Q You think she died after your boy Lawrence died? A Uhu, yes, I think she did.
Q You are not positive as to that? A No sir.
Q Have you the dates of the birth or death of your grandmother in your Bible at home? A Yes sir, and my brother too; they died in the same year.
Q What was his name? A Lewis Peter.
Q You think your grandmother died after Lawrence died? A Yes sir.
Q That's your best impression about it? A Yes sir.

Lena Peters being called and duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lena Peters.
Q How old are you? A Fifty Seven.
Q What is your post office address? A Lee.
Q Are you the wife of William Peter? A Yes sir.
Q Did you know Eliza Manuel? A Yes sir.
Q That's William Peter's mother, is it? A Yes sir.
Q Do you know when she died? A In July; I don't know what day of the month but she diedin '99.
Q Do you know Elbert Barber? A Yes sir.
Q And his wife, Lula? A Yes sir.
Q How far do you live from them? A I don't know exactly; about 6 0 or 70 miles; I lived five miles North of Boynton.
Q Did you ever know a child of theirs named Lawrence? A Yes sir.
Q He is dead, is he? A Yes sir.
Q Which died first, Lawrence Barber, or Eliza Manuel? A Lawrence died first.
Q How long first, do you know? A No sir, but they died the same year.
Q Did Eliza Manuel live with William Peter when she died? A No sir.
Q How far did she live from him? A About 3/4 I guess.
Q Were you about there when she died? A Yes sir, I was there.
Q Was Elbert Barber there? A Yes sir.
Q How long did he stay there, do you remember? A No sir, but he was there over night.
Q For some time before she died? A Yes sir.

The Dunn Roll examined and Eliza Manuel identified thereon as Eliza Peter at No. 1518; she is also identified on the 1890 authenticated tribal roll of the Creek Nation, Canadian town, # 59. Refer to Freedman card No. 1004.

Henry C. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Hains.

Subscribed and sworn to before me this 4th day of ~~July~~ August, 1904.

Charles H. Sawyer

Notary Public.

P. B. Medbo

Dear Sir

I sold to Andrew Peleis a coffin when I was over in my old Chap. but I forgot to put it down. I remember the occurrence distinctly as he came up to my house and wrote me up to 1st. as it was in the night time & I had gone to bed. I am sure it was in the year 99.

Yours &c

C. F. Thorn

Jan 13. 1902

IN RE
THE DEATH OF

Eliza Manuel

a citizen of the

Creek *Nation.*

Approved ..... *190*...

.....
Commissioner.

Recd 6/4/01

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Eliza Manuel
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Lee, Ind. Ter., and died on the 30 day of July,
(Here insert name of postoffice.)
1898.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Nancy McIntosh, on oath state that I am over 50
years of age and a citizen, by adoption, of the Creek Nation;
that my post office address is Ridge, Ind. Ter.; that I am
(Here insert name of post office.)
daughter of Eliza Manuel,
(State relationship, as the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Eliza Manuel died on the 30 day of
(Here insert name of deceased.)
July, 1898.

WITNESSED TO MARK:

(Must be Two Witnesses.) E Eastain
John L Stiber.

Her
Nancy X McIntosh
mark

Subscribed and sworn to before me this 4 *day of* June 1901.

John L Stiber
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, William Peters, on oath state that I am 60
years of age, and a citizen, by adoption, of the Creek Nation;
that my post office address is Lee Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with Eliza Manuel
(Here insert name of deceased.)
who was a citizen, by adoption, of the Creek Nation;
and that said Eliza Manuel died on the 30 day of
(Here insert name of deceased.)
July, 1898.

WITNESSED TO MARK:

(Must be Two Witnesses.) E Eastain
John L Stiber.

His
William X Peters
mark

Subscribed and sworn to before me this 4 *day of* June 1901.

John L Stiber
Notary Public.

[redacted]

[redacted] for the [redacted]

[redacted]

The record in this case shows that on July 28, 1904, William Peter [redacted] before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Eliza Manuel, deceased, as a Creek Freedman.

Proceedings, relative to accounting for those persons whose names appear on the Creek Tribal rolls who died prior to April 1, 1899, and are not shown on said rolls to have been otherwise accounted for, were had January 27, 1905 and are made part of the record herein. Further proceedings were had July 27, 1904.

It appears from the evidence that said Eliza Manuel, deceased, is identified on the roll of Creek Freedmen made by T. W. Dunn prior to March 14, 1867, at No. 1818.

It further appears from the evidence that said Eliza Manuel, deceased, died subsequent to April 1, 1899.

It is, therefore, the opinion of the Commission that said Eliza Manuel, deceased, should be enrolled as a Creek Freedman in accordance with the provisions of the Acts of Congress, June 28, 1898 (30 Stat. 495), and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[redacted]

Chairman.

[redacted]

Commissioner.

[redacted]

Commissioner.

Muskogee, Indian Territory.

JAN 4 1905

Creek No. 546

Muskogee, Indian Territory, January 5, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

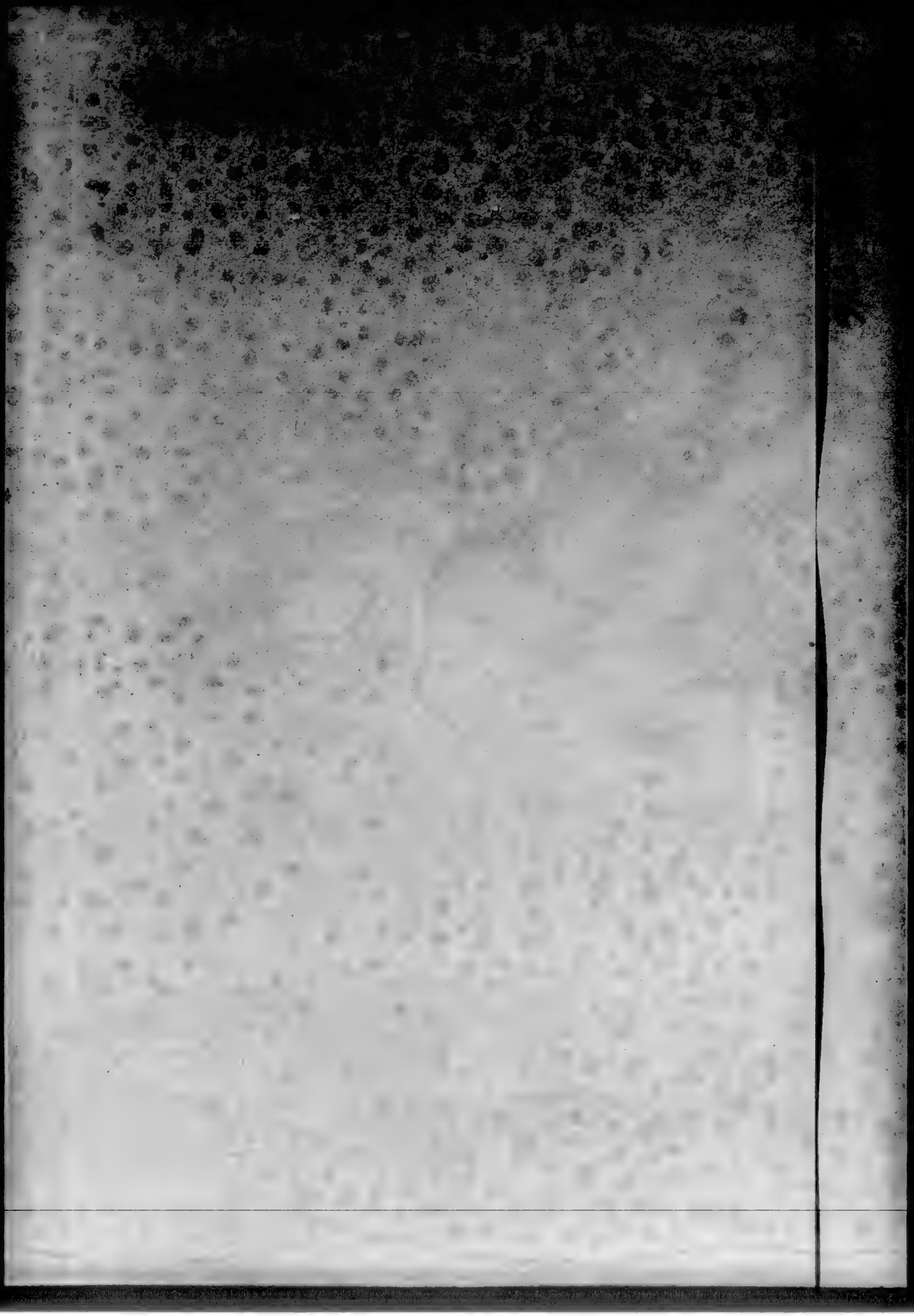
There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Eliza Manuel, deceased, as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if by the expiration of that time no such protest has been made, said Eliza Manuel, deceased, will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

HGM-S



[redacted]

In the matter of the application for the enrollment of Wallace Harred as a Creek freedman.

APPEARANCE: M. L. Mott, attorney for Creek Nation.

Wallace Harred being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Wallace Harred.
Q How old are you? A I can't tell you how old I am.
Q Haven't you some idea? A No sir.

Applicant appears to be about 50 years old at least.

Q What is your post office address? A Ridge.
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir
Q Do you live in the Creek Nation at the present time? A Yes sir.
Q How long have you lived in the Creek Nation this time? A Three years.
Q Where did you come from? A Harper County, Texas.
Q Where were you born? A I can't tell you.
Q Born in the Creek Nation? A Born in Creek Nation.
Q Were you carried out of the Creek Nation during the war? A I was carried to Red River, into the Chickasaw Nation during the war, as well as I can understand.
Q How old were you when you went to Texas? A I don't know; you will have to ask my aunt.
Q Were you grown? A No sir; if I was I would have had more sense than to have been stolen.
Q Have you ever drawn any money from the Creek Nation? A No sir, dont know anythin about drawing money; I was too small.
Q Well, there was money drawn from the Creek Nation 14 years ago and 9 years ago; did you ever draw any of that money? A No sir, if my parents drawed any I don't know anything about it.
Q How long had you been living in Texas when you came here three years ago? A Settled down there about 18 years; I was here before I married.
Q You say you went out of the Creek Nation during the war; how long was it before you came back to the Creek Nation the first time [redacted] after the war? A Well, I was stole and a white fellow took me from there and he told me if I would stay with him till I was 21 and I could come back to the Creek Nation and I didn't know anything else to do but when he commenced me 21 I come back but I don't know how old I was.
Q It was several years after the war, was it? A It must have been several years after the war.
Q To what town in the Creek nation do you claim to belong, do you know?

[redacted] I appear.

Tribal rolls of the Creek Nation in possession of the Commission examined and the name of the applicant herein not found thereon.

Lucy Gentry being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Lucy Gentry.
Q How old are you? A I am fifty six.
Q What is your post office address? A Muskogee; used to Cook for Mr. Dunham.
Q Do you know Wallace Harrod? A Yes sir.
Q How long have you known him? A When he was five years old I guess as near as I can come.
Q Where was he when you first knew him? A My brother, Tecumsey Perryman bought him when he was a little bit of a thing from my cousin, Margret Perryman.
Q Was Wallace taken out of the Creek Nation during the war? A Took him during the war.
Q Where did you take him to? A We stayed in the Chickasaw Nation.
Q How long did you stay in the Chickasaw Nation? A I can't tell exactly but it was the whole time of the war.
Q Was Wallace separated from you while you were down there? A He was stole from me.
Q Do you know where he was taken to? A Over in Texas.
Q Was that during the war? A That was just about the Surrender.
Q When did you see him after that? A Never have seen him until he come here.
Q Three years ago? A Yes sir; I would write and try to find him; I heard from him once and heard he was bound out; my brother had him down there.
Q You are satisfied this is the same person? A Yes sir.
Q Did you know anybody by the name of Amanda Harrod? A I don't know them; I know him and his brother.
Q That was back during the time the Dunn roll was made? A You know I was young when the Dunn Roll was made.
Q What is the name of Wallace's mother? A Sallie Harrod.

The Dunn Roll examined, and Sallie Harrod, the applicant's mother, identified thereon at #129, in family #33. At 127, family #32, the name Sandy Harrod appears; it is not specifically shown that this person is the father of the applicant herein.

Q Do you know whether any money was ever drawn for Wallace Harrod from the Creek Nation? A The old lady always told me she had; that was the time of the Dunn- we drawed some money.

The Dunn roll further examined and the applicant herein not identified thereon.

Q How long has Sam Harrod been dead? A I can't tell you.
Q About? A I guess 20 years; I know she stayed with me quite a, while before she died.

Q Did you know Solomon Harred? Allow him when I see him.
Q He knew Amy? A Knew her myself.
Q Sure? A Yes sir; they married for my aunt.
Q Is Mary's name Mary Lyons now? A No sir; I never seen her since she married.

William McIntosh being duly sworn testified as follows:

Examination by the Commission:

Q Give your name, age and post office address? A William McIntosh; Sapulpa.
Q Do you know Wallace Harred? A Yes sir.
Q How long have you known him? A Ever since in the year of '65, right in the breaking out of the war.
Q Where was he at that time? A He was in this little town across the river called Okmulgee.
Q In the Creek Nation? A Yes sir.
Q Was he taken out during the war? A Yes sir. He followed out; followed my niece here and his master.
Q How long after the war was it when you first saw him? A I first saw him four years ago- no, three-- when he came in after the war.
Q You never saw him until three years ago? A Three years ago.
Q He wasn't here when the Dunn roll was made? A No sir.
Q How old is he? A He ought to be about 50, 51 or 52- in that neighborhood; he was quite a boy in the year 18 1. Tecumseh Perryman bought him; he was quite a boy in the year 1861.
Q Did you know his father? A Yes sir, Sandy Perryman.
Q Did you know Amanda? A Yes sir, Sandy married her after his first wife, the mother of this child died; Amanda never had any children; she just died here a few years ago.
Q This is Sandy's second wife? A Yes sir.
Q Before that he had Sallie? A Yes sir.

It is now established that the Sandy Harred whose name appears on the Dunn Roll at #187 is the father of the applicant herein.

Q Is there anything else you want to state? A Only this; I knew him as well as any children I have got myself; Tecumseh bought him when he was quite small; Rosemary Perryman was a brother of my niece here; he got killed directly after he bought him; then he fell to his elder brother, Riley Perryman for whom she was cooking; when they went down there they carried him down to Red River and during the war somebody stole him and that's the last we heard of him.

Q Do you know whether any money was ever drawn for Wallace Harred? No, I can't tell you; but if there was his parents drawn for him.

Perry S. Maine being sworn on his oath stated that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.
Subscribed and sworn to before me this 21st day of July, 1906.

Charles J. Wharton
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

N. 546
C.L.A.
8.9/3

In the matter of the application for the enrollment of Wallace Harrod as a Creek freedman.

D E C I S I O N.

The record in this case shows that on July 12, 1904, Wallace Harrod appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek freedman.

The evidence shows that said Wallace Harrod is about fifty years of age, and was living at the date of the application herein.

The evidence further shows that the applicant is not identified upon the roll of Creek Freedmen made by J.W.Dunn, under authority of the United States, prior to March 14, 1867, nor upon any of the tribal rolls of the Creek Nation in the possession of the Commission.

The records of the Commission and of the Creek Nation in the possession of the Commission have been examined and it does not appear that the applicant has ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is therefore the opinion of the Commission that there is no authority of law for the enrollment of said Wallace Harrod as a Creek freedman and that his application for enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

DATED AT MUSKOGEE,

INDIAN TERRITORY

JAN 5 1905

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR.

In the Matter of the Application of Wallace Harrod to be Enrolled as a Freedman of the Creek Nation } Motion for Review

Now comes Wallace Harrod, by and through his attorney, J. B. Campbell, and moves the Honorable Secretary of the Interior to review and reconsider his decision of April 10th, 1905 wherein he affirmed the decision of the Honorable Commission to the Five Civilized Tribes of date January 5th, 1905 in which Wallace Harrod was denied enrollment as a Creek Freedman, and sets forth as grounds for such review and reconsideration;

First:- that said decision is contrary to the evidence.

Second:- that said decision is contrary to the law.

Wherefore, Wallace Harrod prays that the decision of the Commission to the Five Civilized Tribes of date January 5th, 1905, as affirmed by the Acting Secretary of the Interior, April 10th, 1905, be reconsidered, and that judgment be entered reversing said decision and ordering the enrollment of Wallace Harrod as a Creek Freedman.

Wallace Harrod

By J B Campbell
His attorney

BRIEF AND ARGUMENT.

The decision of the Commission to the Five Civilized Tribes is very brief and nothing is added thereto by the Acting Secretary of the Interior. We deem it not necessary to set forth specific grounds for review and reconsideration. However, we submit that from the evidence, and the statements of the Commission, as shown by the record in the matter of the application of Wallace Harrod, the following facts are established;

First:- That Sandy Harrod and Sally Harrod, his wife, were on the roll of Creek Freedmen as prepared by J. W. Dunn, under

Authority of the United States.

Second:- That the applicant, Wallace Harrod, was a son of Sandy and Sally Harrod.

Third:- That Wallace Harrod has resided in the Creek Nation Indian Territory for twenty five or thirty years last past.

There can be no question as to the correctness of the two first propositions. They are admitted by the Commission in statements incorporated in the record at the hearing in this matter. There may, however, be some question as to the correctness of the third proposition but we believe not. Wallace Harrod was not represented at the hearing by an attorney and the facts as to his residence in or out of the Creek Nation were not gone into fully.

The testimony of Wallace Harrod himself is very short and we quote from same, as follows;

Q. "How long have you lived in the Creek Nation this time?"
A. "Three years"

There is nothing in the above answer to indicate that Wallace Harrod was not a bona fide resident of the Creek Nation on June 28th, 1898. But let us proceed farther with the testimony.

Q. "How old were you when you went to Texas?" A. " I don't know, you will have to ask my aunt".(meaning Aunt Lucy Gentry)
Q."Were you grown?" A. " No sir".

.....

Q. "How long had you been living in Texas when you came up here three years ago?" A. "Settled down there about eighteen years; I was here before I was married".

It will be seen from the above testimony that the time of his residence in the Indian Territory and in the Creek Nation is not clearly brought out. It is clear, however, that he was forcibly taken to the State of Texas at about the time of the close of the Civil War and remained there about eighteen years, when he returned to the Creek Nation and there is no evidence to

show that he ever left the Creek Nation after his return from Texas.

Whatever the facts may be as to the residence of Wallace Harrod in the Creek Nation, other than those as disclosed by the record at the hearing on his application before the Commission, may not be discussed in this argument, and it is the desire of his attorney to follow the record closely and not be charged with injecting matters extraneous thereto, believing that the record shows sufficient grounds to warrant the enrollment of Wallace Harrod and that Wallace Harrod should be saved the trouble and expense of a rehearing in this matter.

The question of residence was not touched upon in the decision of the Commission as affirmed by the Acting Secretary, but it is believed best in this argument to discuss this phase of the question in order that it may not be raised in addition to the grounds upon which the former decision was based.

The former decision of the Commission is based on the fact that the name of Wallace Harrod was not found on the Roll of Creek Freedmen as prepared by J. W. Dunn, nor upon any of the tribal rolls of the Creek Nation, nor that he was admitted to citizenship by the tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court.

We admit that the name of Wallace Harrod appears upon no tribal Roll and that Wallace Harrod has never been admitted to citizenship by any authority.

Let us briefly state the facts; Wallace Harrod was born in bondage in the Creek Nation. About the time that the Dunn Roll was made, he was stolen from his Creek Master and spirited away into the State of Texas; that under the law then in force in Texas, relative to orphan minor children, he was bound or apprenticed to a Texas citizen until such time that he should reach the age of twenty one years; that at the expiration of said period, he returned to the Creek Nation.

Article, 25 of the Revised Statutes of the State of Texas, Edition 1895 provides,"The county Court may bind a minor as an apprentice

1.When such minor is an orphan and without estate for his maintenance and education." and section 37 of the same statutes provides for the persuit and recapture of any runaway apprentice.

Article 2 of the Treaty with the Creeks, ratified July 19, 1866, provides". .....and in as much as there among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants ..... shall have and enjoy all the rights and priviledges of native citizens, including an equal interest in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons,....."

It will be noted that the class designated as "and their descendants" are given the same rights and priviledges as the other persons given rights by this article but that no condition is imposed on them as is imposed upon their ancestors or rather their parents. Can article 2, supra , be construed to mean t at only the descendants of persons entitled to the rights thereunder as are born subsequent to the date of the treaty should be entitled to rights, or, can it be construed to mean that the class designated as descendants should remove to the Nation within one year?

Was not Wallace Harrod,the minor son,a descendant of Sandy and Sally Harrod within the meaning of this article? Was not the residence of the father and mother the residence of their minor son and was not their citizenship the citizenship of their son? Was he not, even though bound out as an apprentice in a foreign state, entitled to all the benefits which might accrue to a son or daughter of his father and mother, the same

as if he them resided in the same jurisdiction with them.

Wallace Harrod was not responsible for the fact that his name was not placed on the Roll as prepared by J. W. Dunn. His name should have been placed thereon. It was his right that his name should be placed upon this Roll and a failure so to do should not affect him. The law is ever careful to relieve those of responsibility due to their excusable neglect. If this be true, should not the relief be extended in this case. Wallace Harrod may not even be charged with excusable neglect. He was bound as an Apprentice in a foreign State. It is true he might have run away and returned to his own country. We say he might have done so, but was it expected of him? Was it not practically an impossibility for him to return in time to be placed upon the Roll as prepared by J. W. Dunn? It is a settled proposition that the law does not require impossibilities and will relieve one from the effects which might result therefrom, and especially is this true where no one has been injured or will be injured by so doing.

We submit that the law and the evidence in the matter of the application of Wallace Harrod are in favor of his enrollment. He returned to the Creek Nation at as early a date as it was possible for him to do so. He has resided in the Territory and in the Creek Nation since his return from Texas and which return was made about eighteen years after the close of the Civil War; that he has resided here since and was a resident of the Creek Nation at the time of the passage of the Curtis Act, to wit, June 28th, 1898. He was of right entitled to enrollment as a Creek Freedman; he made application for enrollment in due time and has established his right to enrollment.

We submit further that it would be unjust to require him to make further proof at additional trouble and expense and pray that the Honorable Secretary of the Interior order his enrollment at once.

Respectfully submitted,

Atty for applicant

1906

Department of Interior

On application of
Wallace Harrod to
be enrolled as a
Creek Freedman

Motion for Review

Copy

2/7/06

H B Campbell Atty
Muskogee
I.T.

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR

In the matter of the application of Wallace Harrod to be enrolled as a Freedman of the Creek (Muskogee) Nation	Motion for Re-hearing

Now comes Wallace Harrod, the above mentioned applicant, by and through J. B. Campbell, his attorney, and moves the Honorable Secretary of the Interior for a re-hearing in the matter of his application to be enrolled as a Freedman of the Creek Nation and sets forth as his grounds for such re-hearing;

First: that he has discovered new evidence which very materially effects his right to enrollment. which evidence he was not cognizant of nor was he in a position to know there of even though due diligence be not shown.

Second: that the examination at the hearing before the Commission to the Five Civilized Tribes in the matter of the above named application was conducted by the Commission and before the Commission and that the applicant was misled by statements made by the Commission in matters vital to applicant's right.

In support of the above motion for re-hearing the above named applicant represents that he can neither read nor write; that at the time he appeared before the Commission to the Five Civilized Tribes to make application for enrollment as a Freedman of the Creek Nation, he was unaware of the proceedure before said Commission; that he appeared be fore the Commission without an attorney and without previously consulting an attorney; that he was informed by the Commission that it was not necessary for him to be represented by council and that his testimony and the testimony of two witnesses in his behalf was then and there taken and that the hearing was then ~~closed~~ had and concluded and the matter closed.

Applicant further represents that at the time that he presented himself before the Commission to the Five Civilized Tribes to make application, he was there more for the purpose of presenting his formal application than for the purpose of making final proof as to his rights and believed that he would be notified by the Commission as to the date of the hearing on the merits of his case and continued so to believe until he was notified by the Commission that his application had been denied.

Applicant further represents that on the date hearing was had in the matter of his application, he was unprepared for the taking of final testimony thereon.

Applicant further represents that since the date of said hearing he has learned the address and place of residence of two witnesses, whose affidavits are hereto attached and made a part of this motion, to wit: May Mayes and Mary Osborn; that these witnesses will swear that they knew applicant and knew him by the name of Wallace Harrod and have known him since shortly after the close of the Civil War; that they knew him to have been taken from an Indian Territory Master by one Wes Willitt and that he was bound to said Wes Willitt as an apprentice under the laws then in force in the State of Texas relative to minor orphan children; that they have been acquainted with him for forty years last past and recognized the applicant as the Wallace Harrod that they knew and were well acquainted with forty years ago.

Applicant further says and in substantiation thereof offers the affidavit of Douglass Perryman, George Perryman and Solomon Stepney, hereto attached and made a part of this motion; that he was born in bondage in the Creek Nation, Indian Territory; that his master was a Creek Indian by blood ; that he was so born in bondage prior to the year 1861; that he was stolen from his Creek master and carried to the State of Texas; that this recognition as the Wallace Harrod, who was so stolen, is complete.

Applicant further says that on the date of the former hearing before the Commission to the Five Civilized Tribes, he was not

-2-

aware of the nature of the testimony that would be given in his behalf by Douglass Perryman, George Perryman, Solomon Stepney, May Mayes or Mary Osborn, nor had he consulted them with a view of ascertaining what their testimony would be for the reason that the hearing before the Commission was had without notice to the applicant and with no opportunity for him to subpoenas witnesses in his behalf; that on his first appearance before the Commission his testimony was taken and the case closed.

WHEREFORE applicant prays that this matter may be reopened and that re-hearing be ordered and that said hearing be had before the Commissioner to the Five Civilized Tribes at a day and date to be fixed by said Commissioner.

S W Campbell
Attorney for Applicant.

INDIAN TERRITORY)
WESTERN DISTRICT) SS

Wallace Harrod, being by me first duly sworn, deposes and says that he has heard read the foregoing motion for re-hearing and that the matters and things therein set forth are true of his own knowledge, except as to those set forth on information and belief and as to those, he believes them to be true.

Wallace Harrod

Subscribed and sworn to before me this the 18th day of February, 1908

Notary Public

Witness to mark
J Blomphell
Mace Morris

My commission expires July 2 1911

ARGUMENT

It is not the purpose of the attorney's for the applicant in this matter to take exception to the procedure before the Commission in matters of enrollment before that body. We realize their worth. We realize the many difficulties and obstacles which they have to contend with. We realize further that those in charge of the enrollment divisions are bound by the rulings of the Secretary only when these rulings construe certain treaty provisions and that these rulings are never made except when there is question as to the meaning of the treaty provision.

We are informed that the Secretary of the Interior has on several instances enrolled, or ordered enrolled, or ordered a rehearing on the merits in several instances where citizens , ordinarily entitled to enrollment, but who failed to return to the Indian Territory and make bona fide residence therein in time to come within the treaty provisions. In these cases the ones so ordered enrolled were in northern and eastern colleges attending school or in training school for nurses etc. If this be true, why not extend this equitable relief to the boy practically in bondage in a foreign state and whose return even though he should known the consequences, was not possible.

It is not the purpose of the attorneys in this case to make an extended argument as to the law in the premises. We ask that the brief and argument attached to our motion to reconsider and review filed herewith be made a part of the argument in this case and be so considered by the Honorable Secretary of the Interior.

The father and mother and the brothers and sisters of the applicant, Wallace Harrod, have their names on the Dunn Roll as prepared under the direction of the United States Government in 1867. The name of Wallace Harrod does not appear thereon. Whether this be the fault of those preparing the Roll or the fault of his parents will never be known. Certainly it was not the fault of the applicant. It was impossible for him to have his name placed thereon, even though he had knowledge that it was necessary for him to do so in order that his rights might be protected.

The surviving members of the family of the father and mother of the applicant, Wallace Harrod, with the exception of the applicant, are on the final Rolls of Creek Freedmen, as approved by the Secretary of the Interior and each has his allotment of the lands of said Nation and would it notbe, indeed, the irony of fate that the one most wronged of all the family should be left out in the partitioning of the estate to which all were entitled to an equal share.

The affidavits attached to the motion for re-hearing set forth the facts fully. Many more affidavits could have been secured. If the facts therein set forth do not warrant a re-hearing in this matter, it is useless to go to further trouble and expense. Technically Wallace Harrod is not entitled to enrollment, but we submit that his case demands equitable relief and appeal to you as the only one to which an appeal may be taken, to grant same.

J B Campbell
Attorney for Applicant.

Indian Territory }
Western District } ss

George Perryman, being first duly sworn, by and before me, the undersigned, a notary public in and for the District and Territory aforesaid, deposes and says, that he is about forty eight years of age; that his post office address is Broken Arrow, Indian Territory; that he is a son of Riley Perryman, deceased; that he knew Wallace Harrod; that Wallace Harrod was the son of Sandy Harrod and his wife Sallie; that Sally Harrod was the slave of Margaret Perryman; that Wallace Harrod was the slave of affiant's uncle, Tecumseh ~~Harrod~~ Perryman; that Tecumseh was killed and Wallace Harrod was then given to Riley Perryman, the father of affiant; that Wallace Harrod was born at Eufaula, Indian Territory about fifty years ago; that about the time of the close of the Civil War, Riley Perryman removed to the Chickasaw Nation and located near the Red River; that he took with him his family and Wallace Harrod and Amy and Betsy, two other slaves; that a short time thereafter Riley Perryman crossed the Red River to the State of Texas to go to mill at Preston, Texas; that affiant and Wallace Harrod accompanied Riley Perryman on this trip; that while Riley Perryman was attending to business matters about the town of Preston, affiant and Wallace Harrod were left at a small store in said town; that while there Wallace Harrod was picked up and placed in a wagon by persons unknown to affiant and was carried away; that affiant never saw Wallace Harrod again until some three or four years ago; that he has since had many conversations with Wallace Harrod and from such conversations knows that the Wallace Harrod who is the applicant for enrollment as a freedman of the Creek Nation is the Wallace Harrod who was stolen from his father, Riley Perryman, shortly after the close of the Civil War; that affiant further knows that the applicant, Wallace Harrod, is the Wallace Harrod stolen from his

affiant's father, from a large scar on the jaw of Wallace Harrod, which scar was the result of a kick from a colt which Wallace Harrod received while your affiant and Wallace Harrod were at play during their childhood.

Affiant further says that he is a duly enrolled citizen of the Creek Nation a

George N Perryman

Subscribed and sworn to before me this the 7" day of Feb. -A.D. 1906

G. W. Holt
Notary public

My commission expires, May 8. 07

Indian Territory
Western District } ss

Solomon Stepney, being first duly sworn by and before me, the undersigned, a notary public in and for the District and Territory aforesaid, deposes and says, that he resides on his allotment on Pecan Creek in the Creek Nation and that his post office address is Muskogee Indian Territory; that he believes that he is fifty six years of age; that he is the son of ~~Stephenouge~~ Stepney Gouge and Sally his wife; that affiant's mother, Sally, was previously married and of this marriage there was born a daughter, Amy Isaacs; that Amy Isaacs is a duly enrolled freedman of the Creek Nation and has selected her allotment; that affiant is a duly enrolled Freedman of the Creek Nation and has selected his allotment; that subsequent to the birth of affiant, affiant's father deserted his wife, Sally, who a few years thereafter married one Sandy Harrod; that of this marriage there was born Wallace, Tony, Mary, Julia, and Linda; that Julia and Linda are now dead; that the other children, born of this last marriage, with the exception of Wallace, are all on the final Creek Roll, and as affiant is informed and believes has selected lands in allotment; that Sandy Harrod and Sally, his wife, and all their children, and the children of Sally by her former marriages, are, with the exception of Wallace, all on the Dunn Roll.

Affiant further says that Sally Harrod, his mother, was the slave of Margaret Perryman and that Margaret Perryman sold Wallace Harrod, who was born a slave, to Tecumsey Perryman and received in payment a new wagon and a barrel of sugar; that affiant was present when Wallace was taken away; that subsequently Tecumsey Perryman was killed and Wallace was awarded to Riley Perryman, a brother to Tecumsey Perryman; that during the progress of the Civil War Riley Perryman moved south and located near the Red River; that Riley Perryman took with him his family and his slaves; that at the time of this removal affiant was about twelve years of age; that affiant never saw Wallace Harrod again until the last two or three years; that affiant recognizes Wallace Harrod as his half brother, which recognition is the result of conversations had with Wallace Harrod

wherein instances and circumstances relative to their childhood days were brought forcibly to the recollection of affiant and for the further reason that Wallace Harrod bears a large scar on his right jaw which was the result of a kick from a colt during the childhood of Wallace Harrod and of which circumstance affiant is familiar.

Affiant further says that Wallace Harrod, the applicant herein was born at the old town of Eufaula, Indian Territory at about the time of the beginning of the Civil War, but as to the exact date he is unable to state; that there is one other brother and three sisters of Wallace Harrod who recognize Wallace Harrod as their brother and who are willing to verify the statements of affiant before the commissioners to the Five Civilized Tribes whenever permitted to do so.

his
Solomon X Harrod
mark

Subscribed and sworn to be fore me this 15 day of July A.D. 1906

Witness to mark
Thomas E Mason
Douglas Ferguson

J H Alexander
Notary public

My commission expires. July 2, 1906

INDIAN TERRITORY }
WESTERN DISTRICT } ss

Douglass Perryman, being first duly sworn by and before me, the undersigned, a notary public in and for the District and Territory aforesaid, on oath deposes and says, that he is fifty or fifty five years of age; that his post office address is Muskogee, Indian Territory; that he is chief cook at the United States jail at Muskogee, Indian Territory; that he was formerly the slave of Mose Perryman, Deceased; that Mose Perryman was the father of Tecumsey and Riley Perryman; that he knew Wallace Harrod who has made application for enrollment as a freedman of the Creek Nation during his childhood; that Wallace Harrod was the slave of Tecumsey Perryman and later the slave of Tecumsep's brother, Riley Perryman; that he remembers the time that Riley Perryman removed to the Chickasaw Nation and remembers that he took Wallace Harrod with him; that he knows that the Wallace Harrod who has made application for enrollment as a Creek Freedman is the Wallace Harrod that Riley Perryman took with him to the Chickasaw Nation; that his reasons for so knowing is from conversations had with Wallace Harrod since his return to the Creek Nation and from the large scar on the right jaw of Wallace Harrod which scar was the result of a kick from a colt during the childhood of Wallace Harrod.

Douglass Perryman

Subscribed and sworn to before me this the 15 day of July A.D. 1906

G. F. Alexander
Notary public

My commission expires, July 2nd 1906

INDIAN TERRITORY }
WESTERN DISTRICT } SS

Mary Osborn being first duly sworn by and before me the undersigned, a notary public within and for the District and Territory aforesaid deposes and says that she is 48 or 49 years of age and that her present post office address is Muskogee, Indian Territory; that she came to Muskogee from Weathersford, Texas, about one year and one half year ago; that she was born at Weatherford, Texas and lived there at all times previous to her coming to Muskogee; thatshe was born in bondage and that her master's name was Phillip George of Weatherford, Texas; That she knows Wallace Harrod, who has made application for enrollment as a Creek Freedman and May Mayes, one of his witnesses; That Phillip George was a neighbor of Dr. Joseph Blackwell, the owner of May Mayes, and a neighbor of Wes Willit, the owner of Wallace Harrod; that Wallace Harrod was brought to Weatherford, Texas soon after the close of the Civil War by one Wes Willit; that she has been at the home of Wes Willit many times; that she has heard Wes Willit say that he got Wallace Harrod from the Indian Territory; that it was the general understanding in Weatherford that Wes Willit had stolen Wallace Harrod from some Territory master; that Wallace Harrod was bound under the Texas Law to Wes Willit until he should reach the age of his majority; that he was released in reaching this age by Wes Willit and that he then left for the Indian Territory; that Wallace Harrod left Weatherford for the Territory in search for his parents some fifteen or twenty years ago; that he has since visited Weatherford and that she remembers him well.

And further affiant sayeth not.

her
Mary x Osborn
mark

Subscribed and sworn to before me this 14th day of Feby A.D. 1906

G H Alexander
Notary Public

Witness to mark
A R Taylor
J B Campbell

My Commission expires July 2, 1906

INDIAN TERRITORY)
WESTERN DISTRICT) ss

May Mayes being first duly sworn by and before me, the undersigned a notary public, within and for the Territory and District aforesaid, deposes and says that she is 40 years old; that she now resides and has so resided for the past five months at Muskogee, Indian Territory; that for fourteen years prior to her coming to Muskogee she had resided at Dallas, Texas; that prior to her removal to Dallas she had resided at Weatherford, Texas, at which place she was born; that she knows Wallace Harrod, he being the Wallace Harrod who has made application for enrollment as a freedman of the Creek Nation, Indian Territory; that she has known him since a year or two just after the close of the Civil War; that he was brought to Weatherford, Texas by one Wes Willit; that he was bound to Wes Willit under the Laws of Texas then existing, until such time as he should reach the age of twenty one years; that prior to the time affiant left Weatherford for Dallas, Wallace Harrod was notified by Wes Willit that he was free and Wallace then left Texas for Indian Territory.

Affiant further says that she was born a slave and that her master was Dr. Joseph Blackwell of Weatherford, Texas; that Dr. Joseph Blackwell and Wes Willit were neighbors; that she and Wallace Harrod were playmates and that she has been at the home of Wes Willit many times and has heard Wes Willit say on several different occasions that he got Wallace Harrod from the Indian Territory.

Further affiant sayeth not.

May Mayes

Subscribed and sworn to before me this the 15 day of Feb A.D. 1906

W. F. Alexander
Notary public.

My commission expires July 2, 1906

Indian Territory }
Western District } ss

Wallace Harrod being first duly sworn by and before me the undersigned, a notary public in and for the District and Territory aforesaid, deposes and says, that he is about 50 years of age but does not know his exact age; that his post office address is Muskogee, Indian Territory, where he has resided for ten months last past; that prior to his coming to Muskogee, he farmed three years on farms lying between Muskogee and Okmulgee, Indian Territory; that preior to that time, he had been employed on cattle ranches in the Indian Territyy for a period of twelve or fifteen years; that the greater part of this twelve or fifteen years was spent in the Creek Nation; that a part of said time was spent in the Chickasaw Nation on ranches, but he has always considered the Creek Nation as his home, and has always considered that he was a Creek Freedman, and has always considered himself entitled to be enrolled as such inthe Creek Nation.

He further says, on information and belief, that he was born in bondage at Eufaula, Indian Territory, and that his first master was Tecumsey Perryman; that Tecumsey Perryman was killed and that he was then given to Riley Perryman, the older brother of Tecumsey Perryman.

Affiant further says that he remembers his second master, Riley Perryman, and remembers the children of Riley Perryman; that at the time affiant was stolen fromRiley Perryman, as hereinafter set forth, Riley Perryman had three children, one boy and two girls; that the boy's name was George and affiant was told that George was his young master; that affiant remembers the name of the sister of Riley Perryman, Lucy by name, who, he is informed is now Lucy Gentry; that about the time of the close of the Civil War, Riley Perryman moved to the Chickasaw Nation and located near the Red river; that in going to mill it was necessary for Riley Perryman to cross Red River and enter the State of Texas,as the nearest mill then was at Preston Texas; that a short time after moving to the Chickasaw Nation, Riley Perryman went to mill at Preston, Texas and took with him his son George and affiant;

George and affiant; that while Riley Perryman was attending to some business about the town of Preston, affiant and his young master, Georg, were playing about a small store when affiant was picked up and placed in a wagon and carried away; that one of the men who carried affiant away was Wes Willit to whom affiant was later bound under the laws of Texas relating to orphan negro children, until such time as affiant should reach the age of twenty one years; that affiant stayed with Wes Willit until said Willit informed him that he was free to go where he wished; that when Wes Willit so informed affiant that he could go, he, Wes Willit provided affiant with a horse, saddle and bridle and one hundred dollars in cash and told him to go and find his people in the Indian Territory and further informed him that he had a "right" in the Creek Nation and that he would find his people somewhere about North Fork, Indian Territory; that this was some twenty or thirty years ago, but affiant is not certain as to the length of time; that affiant then came to the Creek Nation and has remained therein at alltimes since, except for some short visits to the State of Texas and to the Chickasaw Nation; that on going to the North Fork country in the Creek Nation he made inquiries for Riley Perryman and for Lucy Perryman but could not find them and failed to search longer for them when he met Lucy Gentry, formerly Lucy Perryman in the City of Muskogee, Indian Territory some three or four years ago.

Affiant further says that he is well acquainted with May Mayos and Mary Osborn, who now live in the City of Muskogee, Indian Territory and who formerly lived at Weatherford, Texas; that they were slaves of other citizens of the City of Weatherford to wit, Dr. Joseph Blackwell and Phillip George; that he was well acquainted with them until such time as he left Weatherford, Texas for the Creek Nation, Indian Territory.

Affiant further says that he is the son of Sandy Harrod and his wife Polly Harrod and has been identified by such by the Commission to the Five Civilized Tribes; that his father and mother and two brothers and three sisters are all on the Dawes Roll and that these who are alive on June 28th, 1906 have been duly enrolled and as affiant is informed and believes have selected lands in allotment.

Affiant further says that the scar on his right jaw was made as the result of a kick from a colt which occured during his childhood and before the time that he was stolen from Riley Perryman; that at the time he was so kicked, he and his young master, George, were playing with the colt and that his jaw was broken and that he lost several teeth.

Affiant further says that he knew the second wife of his father, Sandy Harrod, and that she died in his house; that she gave him the original will of his father, or a part thereof, in so far as it referred to him and that the original is hereto attached and made a part of this affidavit.

Affiant further says that he is unable to read or write; that he appeared before the Commission to the Five Civilized Tribes ath the hearing on his application for enrollment as a Creek Freedman without an attorney; that his answer to the question "Q. How long have you lived in the Creek Nation this time? A. Three years" is erroneous; that he did not understand the question; that he does not know the boundaries of the Creek Nation or what land it comprises; that he believed the question meant what time he had lived near or about Muskogee, Creek Nation and that he had lived on a farm west of Muskogee for three years previous of the date of the hearing, and answered three years; that the facts in the case are, that he has been a bona fide resident of the Creek Nation and has considered the Creek Nation as his home for twenty or twenty five years last past.

And further affiant sayeth not.

his
Wallace x Harrod
Mark

Sworn to and sworn to before me this the 14 day of July A. . 1906

Witness to Mark
A.R. Smith
Muskogee

E.T. Alexander
Notary public

My commission expires. July 2, 1906

#546

Department of Interior

In application of
Wallace Harrod to
be enrolled as a
Creek Freedman

Motion for Rehearing

Copy

(-) 7/17/06

J. Kimpbell atty
Muskogee
I.T.

Creek En 846

Muskogee, Indian Territory, January 16, 1905.

Wallace Harrod,

Ridge, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Registor.

JYH-16-63.

Creek En 546

Muskogee, Indian Territory, January 16, 1905.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Wallace Harrod as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYA-16-64.

Here

Creek An 546

Muskogee, Indian Territory, January 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Wallace Harred as a Creek Freedman, including the decision of the Commission, dated January 5, 1906.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYM-16-65.

Refer in reply to the following:
Land.
4948-1905

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 24, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the application, made July 12, 1904, for enrollment as a Creek Freedman by Wallace Harrod.

January 5, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is about fifty years of age; that no prior application has been made; that he is not identified on the Dunn, or any tribal roll of the Creek Nation, and that he has never been enrolledor admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner

M.M.M.
W.

W.C.T.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D. 822-1905
L B S

April 10, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 16, 1905, you transmitted the record in the matter of the application for the enrollment of Wallace Harrod as a Creek Freedman, including your decision of January 5, 1905, rejecting said application.

Reporting January 24, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure.

D. D.

Cr.En .546.

Muskogee, Indian Territory, April 21, 1905.

Wallace Harrod,

Ridge, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

C. 10.

Cr.En. 546.

Muskogee, Indian Territory, April 21,1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Wallace Harrod, as a Creek Freedman.

Respectfully,

Chairman.

*546

JPJ
MS

I.T.D.11637-1905
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.December 15, 1905.

Commissioner to the Five Civilized Tribes,

Sir

You are informed that Mr. W.W.Wright attorney at law, Washington, D.C. on December 11, 1905, filed in this Office a motion for rehearing in the Creek freedman case of Wallace Harrod.

Respectfully

Thos Ryan

First Assistant Secretary

Through the

Commissioner of Indian Affairs.

Y

En 646

Muskogee, Indian Territory, December 26, 1905.

Douglass Perryman,

P. O. Box 1141,

Muskogee, Indian Territory.

Dear Sir:

Receipt is acknowledged of your letter of December 20, 1905, in which you ask to be advised as to what to do in the matter of the application for the enrollment of Wallace Harrod as a citizen of the Creek Nation.

You are advised that on January 5, 1905, a decision was rendered by the Commission to the Five Civilized Tribes denying the application for the enrollment of said Wallace Harrod as a citizen of the Creek Nation; that on April 10, 1905, said decision was affirmed by the Secretary of the Interior. If you desire to have said case reopened, and the applicant has testimony to offer that was not presented at the original hearing of his case which would tend to establish his right to enrollment as a citizen of the Creek Nation, he or his attorney may file with this Office a sworn motion for rehearing, addressed to the Secretary of the Interior. Said sworn motion should set forth in full the nature of the evidence to be offered, and should be accompanied by the affidavits of the witnesses whom he desires to introduce, setting

D. F., 2.

forth the facts to which they will testify, their means of obtaining knowledge of said facts, and should state the reasons why such evidence was not produced at the former hearing. Said motion and affidavits should show service on the attorney for the Creek Nation. A copy of said motion and affidavits, showing endorsements thereon, should be furnished for the files of this Office.

You are further advised that on December 15, 1905, this Office was advised that Mr. W. W. Weight, as attorney for Wallace Harred, had filed with the Secretary of the Interior a motion for rehearing in the above case.

Respectfully,

Commissioner.

Cr. Bk. 548 Muskogee, Indian Territory. February 21,1906.

The Honorable,

The Secretary of the Interior.

Sir:

February 17, 1906, there was filed with this office a motion for review, also motion for rehearing in the matter of the application for the enrollment of Wallace Harrod as a Creek Freedman. Said motions are transmitted herewith for Departmental consideration, together with communication signed by J. B. Campbell, attorney for applicant.

Respectfully,

Acting Commissioner.

Through the Commissioner of Indian Affairs.

HEA-4

1 enclosure

Secretary 2.

January 23 to June 1,1903, it appears that said Chope Homahta (deceased) and said Polle Homahta (deceased) died prior to April 1,1899.

September 17,1904, in its letter reopening the matter of the right to enrollment of Peggy Willier as a citizen by blood of the Creek Nation, the Department ruled (K. I. D. 7304-1904):

"As land is not the only property to be distributed among the citizens of the Creek Nation, the rolls, if erroneous, should be corrected, even if deeds have been delivered by mistake."

In view of the facts in the case and the ruling of the Department quoted above, I have the honor to respectfully recommend that the names of Chope Homahta (deceased) and Polle Homahta (deceased), be stricken from the approved roll of citizens by blood of the Creek Nation opposite Nos. 8187 and 8189, respectively, where they now stand, and that steps be taken to procure in a proper judicial determination the vacation of deeds Nos. 10267 and 10267 A, conveying to the heirs of said Polle Homahta the N.W.1/4 of Section 21, township 9 N., range 15 E., which have been delivered.

The record in the case is herewith enclosed for Departmental consideration.

Respectfully,

Through the Commissioner of Indian Affairs.

Acting Commissioner.

JYM-H-30-3

I.T.D.11[illegible]-1906
8033-1[illegible].

LLB JJr.LRG.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

July 7, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On December 11,1905, a motion for rehearing was filed with the Department by the attorney for the applicant in the matter of the application of Wallace Harrod for enrollment as a Creek freedman.

On February 21,1906, you transmitted motions for review and rehearing in this case filed by applicant's attorney in your office.

On May 14,1906, the Indian Office forwarded these motions, together with the record in the case.

It appears that the applicant was born in bondage,prior to the year 1861. His name does not appear upon the roll of Creek freedmen made by J.W.Dunn under authority of the United States, prior to March 14, 1867.

Section 3 of the act of Congress approved April 26,1906 (Public No.129), provides---

"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J.W.Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Assistant Attorney General on May 31, 1906, in an approved opinion, rendered a decision in the matter of the application of Prissie Carrathers for enrollment as a freedman citizen of the Creek Nation, in which it is stated that

"Congress has now made the Dunn Roll final and conclusive as to all claimants of this class whose enrollment has not been approved by the Secretary of the Interior."

In view of the above, the motions for rehearing and review filed in this case are hereby denied, and derpartmental decision of April 10, 1905, is confirmed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

546

William Harrod,

Ridge, Indian Territory.

Dear Sir:

You are hereby advised that under date of July 7, 1906, the Department denied the motions for rehearing and review filed with this office February 17, 1906, in the matter of the application for your enrollment as a Creek Freedman.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 20, 1906.

J. B. Campbell,

Attorney for Wallace Harrod,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of July 7, 1906, the Department denied the motions for rehearing and review filed with this office February 17, 1906, in the matter of the application for the enrollment of Wallace Harrod as a Creek freedman.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 28, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that under date of July 7, 1906, the Department denied the motions for rehearing and review filed with this office February 17, 1906, in the matter of the application for the enrollment of Wallace Harrod as a Creek freedman.

Respectfully,

Commissioner.

EN 547

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 25, 1902.

In the matter of the application of LUCY CHISHOLM, for the enrollment of herself as a citizen by blood of the Cherokee Nation.

LUCY CHISHOLM, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Lucy Chisholm.
Q How old are you? A Twenty-two.
Q What is your post office address? A Turley, I.T.
Q What district in the Cherokee Nation are you living in?
A Cooweescoowee .
Q Are you a Cherokee or a Shawnee? A Cherokee .
Q Have you any children? A No sir.
Q Do you apply only for yourself? A Yes sir.
Q What is the name of your father? A Charlie Chisholm.
Q Is he living or dead? A Living.
Q Is he a Cherokee? A He is a Creek.
Q What is the name of your mother? A [illegible]uka Chisholm.
Q Is she living? A Yes sir.
Q Is she a Cherokee? A Yes sir.
Q What district does she live in? A Cooweescoowee.
Q Where were you born? A In Cooweescoowee, I reckon; that's where I have always lived.
Q Have you ever been outside the Indian Territory? A No sir.
Q Didn't you live over in Oklahoma with your mother for a long time? A Yes sir.
Q You have been livig here in the Cherokee Nation about nine years now haven't you? A Yes sir.
Q Now isn't it also a fact that you were born in Oklahoma?
A Yes sir.
Q You never did live here until about nine years ago did you?
A About nine years.
Q How are you related to Jim Lewis? A He is my mother's brother my uncle.
Q How are you related to Alice Chisholm? A Is that your aunt?
A Yes sir.
Q Is Jennie Lewis a cousin of yours? A Yes sir a cousin.
Q How are you related to Nancy Chisholm? A That's my aunt.
Q How are you related to Sallie Chisholm? A That's my mother.
Q Her maiden, or Indian name [illegible]uka and her English name Sallie?
A Yes sir.
Q Have you always lived with your mother? A Yes sir.
Q Did you take an allotment out there in the Shawnee reservation in Oklahoma? A Yes sir, I did take it but give it up.

--1894 roll ,page 162, #796, Lucy Chisholm, Cooweescoowee District;
--Roll of 1880 and the census roll of 1896 examined and the applicant is not identified thereon.

Lucy Chisholm applies for the enrollment of herself as a Cherokee by blood. She is not identified on the roll of 1880 nor the census roll of 1896. She is duly identified on the Cherokee Strip Payment roll of 1894.

It appears from the testimony in this case that she was born in the Territory of Oklahoma, and lived there until about nine years ago, since which time she has been a resident of the Cherokee Nation. It further appears that her mother, together with her uncles and aunts, have heretofore applied to this Commission for enrollment as citizens by blood of the Cherokee Nation; and it is directed that

copies of all testimony had in the matter of the applicatim of James Lewis, et al. which appears on Cherokee Roll Card Field No. D 1166, be filed with and made a part of the record in this case.

For the reason that the applicant is not identified upon the roll of 1880 and the census roll of 1896; and for the further reason that no satisfactory proof is made as to her residence in the Cherokee Nation, final judgment as to her enrollment will be suspended and her name placed upon a doubtful card.

B. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) B. C. Bagwell.

Subscribed and sworn to before me this June 28,1902.

(Signed) P.C.Reuter,
Notary Public.

----------oOo----------

Lona Merrick, on oath states, that she copied the above and foregoing testimony on the 27th day of February,1904, and that the same is a true and complete copy of the above testimony.

Lona Merrick

Subscribed and sworn to before me this 27th day February,1904.

Edward Merrick
Notary Public.

Cherokee 10383

The name of Lucy Chisholm age 22 in 1902, Dau of Charley and Iyuka Chisholm appears upon approved Cherokee roll at No 30878

[illegible]

Lucy Chisholm on May 23-1904 selected for herself an allotment of the appraised value of $ 3 20 in Cherokee Nation

[illegible]

Muskogee, Indian Territory, September 17, 1903.

The Commissioner of Indian Affairs.

Sir:

The Commission is in receipt of your letter of August 6, 1903 (Land 7954-1897), in which it is stated that under date of February 22, 1897, Edward L. Thomas, then Indian Agent in Charge of the Sac and Fox Agency, Oklahoma, transmitted to your office three relinquished Absentee Shawnee patents, as follows:

No. 505 Issued to Charley Chisholm
No. 506 Issued to Wahtahpease or Chisholm
No. 507 Issued to Nacolapease or Chisholm,

and that Nos. 506 and 507 were relinquished by Charley Chisholm as natural guardian.

It is further stated that the patents were relinquished for the reason that Charley Chisholm was a citizen of the Muskogee Nation, his name appearing as regularly enrolled on the authenticated Census rolls of the Muskogee Nation as a member of Little River, Tulsa town: the two children also being enrolled in the Muskogee Nation.

It is also stated that on May 22, 1901, the Department approved the recommendation of your Office that Charley Chisholm be adopted as a member of the Delaware tribe of Indians residing on the Wichita reservation, providing that he first relinquish in writing all rights of whatever character he might have in and to the Absentee

Shawnee tribe; that a general relinquishment of his rights was filed and he was allotted with the Wichita &c Indians, No. 602, on the schedule approved July 8, 1901.

It is further stated that under date of November 5, 1901, your Office recommended that patent No.506 be cancelled, and suggested that this Commission be advised that Charley Chisholm who formerly claimed rights with the Creek Indians had been granted rights with the Wichita &c Indians; that the patent was cancelled as recommended but your Office was not informed thereof and only became aware of it a short time ago; that patents Nos. 506 and 507 were retained in your Office pending the approval of the Creek roll.

It is further stated that Charley Chisholm requested the enrollment of his two children, Lucy or Wahtahpease, age 19 years, and Nellie or Nacolapease, age 13 years, with the Wichita &c Indians, the former being the wife of Sam Wilson, a full-blood Caddo, and that this request was denied by your Office July 16, 1901.

You request to be advised whether these two children are enrolled as members of the Creek Nation, or whether they have made application for such enrollment. It is stated that their ages were given on the Shawnee schedule as eight years and two years, respectively, as of date July 12, 1889.

In reply you are advised that Charley Chisholm and his daughter, Lucy, were listed for enrollment as citizens of the Creek Nation April 29, 1901; that your Office by letter of April 16, 1901,

(Land Auth.70808, 31247-1901) advised the Commission that said Charley Chisholm had been enrolled with the Delaware tribe of Indians of the Wichita Indian Reservation, Kiowa Agency, Oklahoma, and directed that his name be stricken from the Creek rolls, should it appear thereon, which was done.

You are further advised that Lucy Chisholm, daughter of Charley Chisholm, was listed for enrollment as a citizen of the Creek Nation with her father and that the application for her enrollment as a citizen of the Creek Nation is now pending before the Commission. Charley and Lucy Chisholm are both identified on the Creek tribal rolls, Lucy appearing thereon as Lucy Chisholm or Wah-sa-pe-es. Nellie, daughter of Charley Chisholm, is not identified on the Creek tribal rolls under that name, nor has any application been made for her enrollment as a citizen of the Creek Nation. Lizzie, daughter of Charley Chisholm, is identified on the Creek tribal rolls with her father and sister Lucy, as Lizzie Chisholm or Nars-la-ge-es; she was listed for enrollment as a citizen of the Creek Nation with her father, and the application is now pending before the Commission.

The Commission has been informed that Charley Chisholm has resided near Anadarko, Oklahoma Territory, for ten or twelve years, and that his two children, Lucy and Lizzie, are residing with him.

From the similarity of the names, Wacolapease and Nars-la-ge-es, it is believed that they are one and the same person.

Respectfully,

Chairman.

Refer in reply to the following:
Lwnd. 64974-1903,
70496-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, November 7, 1903.

The Honorable
The Secretary of the Interior.

Sir:

Under date of February 22, 1897, Agent Thomas of the Sac and Fox Agency, Oklahoma, returned to this office Absentee Shawnee patent No. 318, issued February 6, 1892, to Charles Chisholm for the E/2 of the NE /4 of S.33, T.10- N., R. 5-E., relinquished by Charles Chisholm on the ground that he was regularly enrolled as a Creek Indian. March 5, 1897, Agent Thomas was advised by this office that Charles Chisholm, allottee No. 318, was, when allotted in 1889, but four years of age and the son of Alice Chisholm, and that, therefore, the patent seemed to have been improperly delivered to Charley Chisholm. The patent was returned with an endorsement thereon showing that the relinquishment was void, with instructions to deliver the patent to Alice Chisholm, the mother of the allottee. Under date of June 8, 1903, this office referring to Departmental letter of May 18, 1903, (I.T.D. 4424), relative to the application of James Lewis, et al., for enrollment as Cherokee citizens, forwarded the record in the case of James Lewis, et al., applicants for Cherokee citizenship, which record included the application of Alice Chisholm for the enrollment of herself and her three minor children - James, Harry and Daniel Chisholm, as citizens by blood.

The record in the case showed that James Chisholm was identical with Charles Chisholm, Absentee Shawnee allottee No. 318, and Harry Chisholm with Tekah Chisholm, Absentee Shawnee allottee No. 319. In said report it was recommended that Alice Chisholm and Harry Chisholm be declared entitled to citizenship in the Cherokee Nation, upon condition that they relinquish their respective allotments as Absentee Shawnees. It was stated, however, that Alice Chisholm preferred to retain her Shawnee allotment.

Under date of October 2, 1903, the Commission to the Five Civilized Tribes returned to this office the patent, No. 319, issued to Tekah Chisholm for the W/2 of the N.E.1/4 of S. 33, T. 20 N., R. 3 E., I.M., with a relinquishment endorsed thereon signed by Tekah Chisholm by Alice Chisholm , as mother and guardian, for the land covered thereby, the consideration being "that the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation." This relinquishment was executed September 8, 1896. The Commission also enclosed the affidavit and relinquishment of Alice Chisholm for her son Charles Chisholm, in which she stated that she had never received patent for his allotment as Absentee Shawnee.

October 26, 1903, Superintendent Thackery of the Shawnee Indian Training School transmitted to this office, at the request of S.J.Scott, attorney for the applicants, the patent No. 318, issued to Charles Chisholm, as above stated.

The relinquishment of Alice Chisholm, transmitted by the Commission, have been attached to this patent and is believed to be sufficient. It is recommended that the two patents be cancelled, provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

There is also forwarded the letter of the Commission to you dated October 2, 1903.

Very respectfully,

W.A.Jones,

Commissioner.

J.F.A.
H.S.B.

WJS. COPY CR

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Lewis et al.; for enrollment as citizens of the Cherokee Nation, consolidating the applications of:

James Lewis et al	Cherokee	D 1166
Jennie Lewis et al	"	D 1167
Alice Chism et al	"	D 1168
Nancy Chisholm et al	"	D 1280
Sallie Chisholm et al	"	D 1281
Lucy Chisholm	"	D 1348
Rosa Chisholm	"	D 1349

D E C I S I O N.

The record herein shows that applications were made to this Commission, for enrollment as citizens of the Cherokee Nation, by James Lewis for himself, his wife, Sallie, and their minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank Lewis, as citizens by blood; by said James Lewis for three orphan children, Jennie, John and Hattie Lewis, as citizens by blood; by Alice Chism for herself and her three minor children, James, Harry and Daniel Chism, as citizens by blood; by Nancy Chisholm for herself and her minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm, as citizens by blood; by Sallie Chisholm for herself and her minor son, John Chisholm, as citizens by blood; by Lucy Chisholm for herself as a citizen by blood and for Rosa Chisholm for herself as a citizen by blood of the Cherokee Nation.

The evidence shows that James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided there in until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Nannie, Jefferson, Runabout,

David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is the child of Nannie Lewis by a white man. Jennie, John and Hattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Cecil Chism, deceased, who was a Creek Indian. Nancy Chisholm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm are her children by one, Shawnee Chisholm, a Creek Indian. Sallie Chisholm is a full sister of James Lewis, and John Chisholm is her child by one Willie Chisholm, a Creek Indian. Lucy Chisholm is the daughter of Sallie Chisholm; Rosa Chisholm is a daughter of Nancy Chisholm.

James, Sallie, Nannie, Jefferson, Runabout, David, Jennie, and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chisholm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Hattie Lewis, James, Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chisholm are identified on the Cherokee strip payment roll of 1894; Thompson, Jacob and Frank H. Lewis and John Chisholm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein, who were then alive, are identified on the Cherokee census roll of 1896.

The evidence further shows that James Lewis for himself, his wife, Sallie, and their minor children, Nannie, Jefferson, Runabout and David Lewis; Jennie and John Lewis, children of one Charles Lewis, deceased; Alice Chism for herself and her minor children, James and Harry Chism; Shawnee Chisholm for his minor children, Webster, Lizzie, Ollie and Davis Chisholm; Sallie Chisholm for herself; Lucy Chisholm for herself and Rosa Chisholm for herself, secured, as Absentee Shawnees, allotments of land in the Pottawatomie country. It appears that all the applicant allottees, excepting Alice, James and Harry Chism, relinquished, and their said allotments were cancelled, by the Secretary of the Interior in 1896.

The evidence further shows that the principal applicants in the several cases herein, excepting Lucy and Rosa Chisholm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the war of the rebellion. The said Lucy and Rosa Chisholm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. It further appears that all the applicants herein returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank H. Lewis and John Chisholm, who were born subsequent to the removal of their parents to said nation in 1893. It further appears that all the applicants herein have been continuous residents in said nation since that time, excepting those born subsequent, they having resided in said nation continuously since birth.

The evidence further shows that Sallie Lewis, the wife of James Lewis, was admitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof on November 28, 1888, her children then born being minors.

Section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), provides for the enrollment of all persons now living whose names are found upon the 1880 authenticated roll and their descendants born since the date of said roll,

"and all persons who have been enrolled by the tribal

authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; . . .

The examination in the matter of their several applications was accomplished through an interpreter, speaking the Cherokee and English language. It is presumed that the rights of Cherokee citizenship were not forfeited or abjured during their absence from the Cherokee Nation and Indian Territory.

It is, therefore, the opinion of this Commission that James Lewis, Sallie Lewis, Nannie Lewis, Jefferson Lewis, Runabout Lewis, David Lewis, Bird Lewis, Thompson Lewis, Jacob Lewis, Frank H. Lewis, Jennie Lewis, John Lewis, Hattie Lewis, Alice Chism, James Chism, Harry Chism, Daniel Chism, Nancy Chisholm, Webster Chisholm, Lizzie Chisholm, Ollie Chisholm, Davis Chisholm, Lillie Chisholm, Lucy Chisholm, Rosa Chisholm, Sallie Chisholm and John Chisholm should be enrolled as citizens by blood of the Cherokee Nation, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495) , and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby
Chairman.

(signed) T.B.Needles
Commissioner

(signed) C. R. Breckinridge
Commissioner.

(signed) W. E. Stanley
Commissioner.

Dated at Muskogee, I. T.,

this Apr 10 1905

JP. FMB. LMS.

D.C.No. 4644-1904.

I.T.D. 4954-8006-1903
8090-8112-"
8598-10679-"

DEPARTMENT OF THE INTERIOR,
WASHINGTON, February 5, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the applications for the enrollment as citizens by blood of the Cherokee Nation, of James Lewis for himself, his wife, Sallie, and their minor children, Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis, and a grandson, Frank H. Lewis; of James Lewis for three orphan children, Jennie, John and Hattie Lewis; of Alice Chism for herself and minor children, James, Harry and Daniel Chism; of Nancy Chisholm for herself and minor children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm; of Sallie Chisholm for herself and minor son, John Chisholm; of Lucy Chisholm for herself; and of Rosa Chisholm for herself, submitted with your letter of May 4, 1903.

It appears, as stated in your decision of April 10, 1903, in favor of all of the applicants, that

"James Lewis is a full blood Cherokee Indian; that he was born in the Cherokee Nation and resided therein until just prior or subsequent to the commencement of the war of the rebellion, at which time he removed to Kansas and later to Oklahoma, where he married his wife Sallie, also a full blood Cherokee Indian. As a result of that marriage Nannie, Jefferson, Runabout, David, Bird, Thompson and Jacob Lewis were born. Frank H. Lewis, the principal applicant's grandson, is a child of Nannie Lewis by a white man. Jennie, John and Hattie Lewis are the orphan children of one Charles Lewis, who was a brother to said James Lewis. Alice Chism is a full sister to James Lewis, the principal applicant, and James, Harry and Daniel Chism are her children by one Cecil Chism, deceased, who was a Creek Indian. Nancy Chisholm is a full sister to James Lewis and her children, Webster, Lizzie, Ollie, Davis and Lillie Chisholm are her children by one Shawnee Chisholm, a Creek Indian. Sallie Chisholm is a full sister to James Lewis, and John Chisholm is her child by one Willie Chisholm, a Creek

Indian. Lucy Chisholm is a daughter of Sallie Chisholm; Rosa Chisholm is a daughter of Nancy Chisholm.

James, Sallie, Wannie, Jefferson, Runabout, David, Jennie and John Lewis, Alice Chism, Nancy, Webster, Ollie and Davis Chisholm are identified on the Cherokee census roll of 1890 and the Cherokee strip payment roll of 1894; Bird and Hattie Lewis, James Harry and Daniel Chism, Lizzie, Lillie, Sallie, Lucy and Rosa Chisholm are identified on the Cherokee strip payment roll of 1894; Thompson, Jacob and Frank R. Lewis and John Chisholm are identified by birth affidavits made a part of the record herein. It does not appear from the evidence that any of the applicants herein who were then alive are identified on the Cherokee census roll of 1896."

You further state that James Lewis, Sallie Lewis and their children, Wannie, Jefferson, Runabout, and David Lewis; Jennie, and John Lewis; Alice Chism for herself and children, James and Harry Chism; Webster, Lizzie, Ollie and Davis Chisholm; Sallie Chisholm; Lucy Chisholm, and Rosa Chisholm, secured, as absentee Shawnees, allotments of land in the Pottawatomie country, Oklahoma; that it appears that all the applicant allottees except Alice, James and Harry Chism, relinquished, and their allotments were cancelled by the Secretary of the Interior in 1896. These allotments apparently were secured about 1890 or 1891. The allotments in Oklahoma of these allottees that have been cancelled were cancelled, it appears, because of the disavowal of the allottees of their Shawnee citizenship, and on account of their claims to Cherokee citizenship.

So far as Sallie Lewis is concerned, your decision is incorrect. She has not relinquished her allotment. The Sallie Lewis mentioned in the Indian Office letter of April 26, 1901, copy with the record in this case, as having relinquished her allotment , is not Sallie Lewis, wife of James Lewis.

It appears that the principal applicants in the several cases, excepting Lucy and Rosa Chisholm, removed from the Cherokee Nation immediately preceding or subsequent to the commencement of the civil war. Lucy and Rosa Chisholm are the adult daughters of two of the principal applicants, born during said principal applicants' absence from the Cherokee Nation. The evidence shows that all the applicants returned to the Cherokee Nation for the first time in 1893, excepting Thompson, Jacob and Frank M.Lewis, and John Chisholm, who were born subsequent to the removal of their parents to the Nation in 1893. It is shown that all the applicants have been continuous residents of the Cherokee Nation since 1893, excepting those born subsequent to that time, they having resided in said nation continuously since birth.

It is shown that Sallie Lewis, wife of James Lewis, was readmitted to citizenship in the Cherokee Nation by the legally constituted authorities thereof, on November 28, 1888, her children then born being minors.

Relinquishment has been made of the allotments of James and Harry Chism , which will be disposed of herein.

Referring to Section 21 of the act of June 28, 1898 (30 Stat., 495), which provides for the enrollment of

"All persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted."

you held that all the applicants are entitled to enrollment, stating that it is presumed that the rights of Cherokee citizenship

were not forfeited or abjured during their absence from the Cherokee Nation and Indian Territory.

The Nation protests against your decision, contending that a great injustice will be done the Cherokee Nation if your decision is concurred in; that "these people were away from the Cherokee Nation for thirty years; that they left the Nation when the war commenced, took with them their effects and left nothing behind, and became citizens of the absentee Shawnee reservation in Oklahoma, where they drew money and selected lands, evaded the burdens of citizenship in the Cherokee Nation, and nowseek the benefits of the funds and common property of the Cherokee Nation without having been readmitted to citizenship in that nation.

The attorney for the nation calls attention to the fact that Sallie Lewis, wife of James Lewis, was readmitted to Cherokee citizenship in 1888, but that she was required to permanently locate in the Cherokee Nation within one year as a condition to her readmission. He contends that the fact that she was readmitted proves that it was necessary for all the applicants to be readmitted; that while it is true the names of these people are upon the 1894 pay roll, the Department "is aware that the Council refused to authenticate this roll and declared that it was not binding on the Cherokee Nation."

In answer to these statements see opinion of the Assistant Attorney General of December 19, 1902, in the Benjamin F. Maxwell case, and decision of the Department of June 10,1903, in the case of Martha Hill et al., and June 12, 1903, in the case of James W. Morley et al.

Reporting in the matter June 8, 1905, the Acting Commissioner of Indian Affairs states that the allotment of Sallie Lewis, wife of James Lewis, in Oklahoma, was sold by her. He does not agree with your conclusion as to Sallie Lewis, Alice, James, and Harry Chism , they not having relinquished, their allotments as absentee Shawnees. He states that Sallie Lewis did not remove to the Cherokee Nation within twelve months from the time of readmission, and that furthermore, she did not relinquish her allotment as an absentee Shawnee; that part of the allotment was sold by her to W.J.Riggs and the other part to Samuel J. Scott. He recommends that your decision declaring her entitled to enrollment as a Cherokee citizen be not approved. He reports that there is before the Indian Office a deed from Alice Chism, by the provisions of which she agrees to convey to John R. Lewis her allotment as an absentee Shawnee for and in consideration of the sum of $1,100, and he holds that if she is permitted to dispose of this land, she should not be enrolled as a citizen of the Cherokee Nation . He recommends, however, that Alice, James and Harry Chism be declared entitled to citizenship in the Cherokee Nation upon condition that they relinquish their respective allotments as absentee Shawnees, and that Daniel Chism, minor child of Alice Chism, be declared entitled to enrollment.

On November 7, 1903, the Commissioner of Indian Affairs transmitted patent number 319, issued to Tekah, or Harry Chisholm, for land in Oklahoma, with a relinquishment endorsed thereon by Alice "Chisholm", mother and guardian of Tekah Chisholm, the consideration being -

"That the said Tekah Chisholm, my son, is a Cherokee Indian by blood and borne on the roll of the Cherokee Nation as a member of said nation and that he is no part Shawnee Indian or a member of the Absentee Shawnee band, and that the said Tekah Chisholm is not entitled to hold the land allotted to him as an Absentee Shawnee Indian by the within patent, nor do I desire him to hold same, as we reside in the Cherokee Nation."

He also inclosed the affidavit and relinquishment of Alice "Chisholm", for her son Charles or James Chisholm, in which she stated that she had never received patent for his allotment as an absentee Shawnee.

It appears that on October 26, 1903, the Superintendent of the Shawnee Indian Training School transmitted to the Indian Office the patent, No. 318, issued to Charles or James Chisholm.

The Commissioner recommends that the two patents be cancelled provided the enrollment of the patentees as citizens of the Cherokee Nation be approved.

The citizenship in the Cherokee Nation of James, Harry and Daniel Chism (or Chisholm), their father being a Creek X citizen, must depend upon the status of their mother. Unless she relin - quishes her allotment in Oklahoma she cannot be enrolled as a Cherokee, and neither can her children. Should she, however, relinquish her allotment in Oklahoma, the allotment to her and said children, James and Harry, should no objection then appear, will be cancelled, and authority will be given for their enrollment and of Daniel Chism (or Chisholm) as Cherokee citizens.

Your decision is hereby affirmed, except as to these particular persons, and as to Sallie Lewis. The relinquishment of the allotments of James and Harry Chisholm will be held in the Indian Office awaiting further action by Alice Chism (or Chisholm).

A copy of the Commissioner's letter of November 7, 1903, is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

[illegible] to the following:
[illegible]
[illegible]

CWL.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 15,1904.

The Commission
to the Five Civilized Tribes.

Gentlemen:

Under date of September 17,1903, you reported that Lucy Chisholm, daughter of Charley Chisholm, was listed for enrollment as a citizen of the Creek Nation with her father and that the application for her enrollment as a citizen of the Creek Nation was then pending before the Commission; that Charley and Lucy Chisholm were both identified on the Creek tribal rolls, Lucy appearing thereon as Lucy Chisholm, or Wah-sa-pe-es; that Nellie, daughter of Charley Chisholm, was not identified on the Creek tribal rolls under that name nor had any application been made for her enrollment as a citizen of the Creek Nation; that Lizzie, daughter of Charley Chisholm was identified on the Creek tribal rolls with her father and sister Lucy, as Lizzie Chisholm or Nars-la-ge-es; and that she was enlisted for enrollment as a citizen of the Creek Nation with her father, and the application was then pending before the Commission.

You added that from the similarity of the names Nacelapease and Nars-la-ge-es, it is believed they are one and the same person.

Under date of September 18, 1903, the Commission informed this office that the name of Lucy Chisholm, aged 22 years, child of Charley and Iuka Chisholm had been listed for enrollment as a

citizen by blood of the Cherokee Nation, and was included in the Commission's decision of April 10, 1903, granting the application for the enrollment of James Lewis et al., Cherokee D-1166, the record in which case being forwarded to the Department for review on May 4, 1903.

There were three persons by the name of Lucy Chisholm allotted as Absentee Shawnees, to-wit: No. 292, 25 years of age; No.308, 10 years of age, the daughter of Shawnee Chisholm; No. 316, 8 years of age, the daughter of Sallie Lewis former wife of Charles Chisholm. The three patents have been cancelled.

There were also allotted Wah-thah-pea-se, No. 506, 8 years of age, and Na-ce-la-pea-see, No. 507, two years of age, both being daughter of Charley Chisholm, No. 505, whose allotment was cancelled on account of his adoption by the Wichita and affiliated bands.

From your two letters it would appear that Lucy Chisholm 22 years of age, child of Charley and Iyuka Chisholm, has been, listed for enrollment as a citizen by blood of the Cherokee Nation; and that Lucy Chisholm, or Wah-sa-pe-es, has been listed for enrollment as a citizen of the Creek Nation.

If the same can be ascertained from your records, this office desires information as to whether the Charles Chisholm, former husband of Sallie Lewis, is the same person as Charley Chisholm, and whether the Lucy Chisholm, listed for enrollment as a citizen of the Cherokee Nation, is a daughter of the same Charley Chisholm as Lucy Chisholm, or Wahlapease listed for enrollment as a Creek citizen.

It may be added, that in 1897, Charles Chisholm, father and natural guardian of Wahthapease, or Chisholm, and of Wacella-pea-se, or Chisholm, relinquished the patents issued to said children on the ground that they were regularly enrolled on the authenticated census rolls of the Muskogee Nation as members of Little River Tulsa Town.

The patent of Lucy Chisholm, No. 816, was relinquished by Sallie Lewis, mother and natural guardian of the patentee, and was cancelled.

Very respectfully,

(Signed) A.C.Tonner,

Acting Commissioner.

J.F.A.(B).

Muskogee, Indian Territory, February 26, 1904.

The Honorable

The Commissioner of Indian Affairs.

Sir:

Receipt is hereby acknowledged of letter of February 16, (Land 60692, 60694-1903), calling attention to the Commission's letter of September 17, 1903, reporting that Charley and Lucy Chisholm, father and child, are identified on the Creek tribal rolls, Lucy appearing thereon as Wah-se-po-es; that they have been listed for enrollment as citizens by blood of the Creek Nation and that their application is now pending before the Commission. Also calling attention to the Commission's letter of September 18, 1903, reporting that Lucy Chisholm, child of Charley and Iyuka Chisholm, had been listed for enrollment as a citizen by blood of the Cherokee Nation, and was included in the Commission's decision of April 10, 1903, granting the application for the enrollment of James Lewis et al., Cherokee D 1166, the record in which case was forwarded to the Department for review on May 4, 1903.

It is stated that three persons by the name of Lucy Chisholm have been given allotments as Absentee Shawnees, one being twenty-eight years of age, one ten years of age, the daughter of

Shawnee Chisholm, and one nine years of age, the daughter of Sallie Lewis, former wife of Charles Chisholm, and that the three patents have since been cancelled; that an allotment has also been given to Wah-tahah-pee-se, eight years of age, daughter of Charley Chisholm, the said Charley Chisholm's allotment having been cancelled on account of his adoption by the Wichita and affiliated bands.

It is requested that if the information can be obtained from the Commission's records, the Department be advised as to whether the Charles Chisholm, former husband of Sallie Lewis, is the same person as Charley Chisholm, and whether Lucy Chisholm, listed for enrollment as a citizen by blood of the Cherokee Nation, is the daughter of the same Charley Chisholm as Lucy Chisholm, or Wah-sa-pe-se Chisholm, listed for enrollment as a citizen by blood of the Creek Nation.

In reply the Commission desires to state that an examination of its records discloses that in the application made April 29, 1901, for the enrollment, among others, of Charley Chisholm and his child, Lucy Chisholm, as citizens by blood of the Creek Nation, the mother of Lucy is given as Iyuka Chisholm, a Cherokee by blood. The child's age is given as sixteen years and she is identified upon the Creek tribal roll of 1898, Little River, Tulsa Town, as Wah-sa-pe-se. There is no testimony in this case, the enrollment having been made from information.

In the application made June 25, 1902, by Lucy Chisholm for the enrollment of herself as a citizen by blood of the Cherokee Nation, Cherokee D 1346, she gives her age as twenty-two years, the name of her father as Charley Chisholm, a Creek citizen, and the name of her mother as Iyuka Chisholm, a Cherokee citizen.

In the application of Sallie Chisholm for the enrollment of herself and others as citizens by blood of the Cherokee Nation, Cherokee D 1281, she states that her Cherokee name is Iyuka; that her maiden name was Sallie Lewis; that she has been married twice, her first husband being Charley Chisholm and her second husband Willie Chisholm, both Creek citizens. She also originally applied for the enrollment of her child, Lucy Chisholm, aged twenty-one years, but was advised that Lucy, being of age, would have to apply for herself.

It would appear, therefore, that Charles Chisholm, former husband of Sallie Lewis, now Sallie Chisholm, is the same person as Charley Chisholm; that Lucy Chisholm, listed for enrollment as a citizen by blood of the Cherokee Nation; is the daughter of the same Charley Chisholm as Lucy Chisholm, or Wah-sa-pe-es, listed for enrollment as a citizen by blood of the Creek Nation; and while there is a difference of six years in the age, it is considered to be established beyond a doubt that Lucy Chisholm, the Cherokee citizen,

and Lucy, or Wah-se-pe-es Chisholm, the Creek citizen, are one and the same person, the difference of age being accounted for from the fact that she was listed for enrollment in the Creek Nation from information, and accurate knowledge as to her correct age was not obtained.

Respectfully,

Commissioner in Charge.

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee D-1348
Creek #4485.

Muskogee, Indian Territory, February 29, 1904.

Commission to the Five Civilized Tribes,

Creek Enrollment Division.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 10, 1903, granting the application of Lucy Chisholm for the enrollment of herself as a citizen by blood of the Cherokee Nation, together with a copy of the Department's letter of February 5, 1904, affirming the Commission's decision. There is also enclosed a copy of the record in this case.

It appears that Lucy Chisholm has been listed for enrollment upon Creek card No. 4485, and that her application as a Creek citizen is still pending before the Commission.

Respectfully,

Enc. D-6.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 24, 1904.

Land
7264-1897
60392,60694-1903.
8210-14701-1904.

The Honorable,

the Secretary of the Interior.

Sir:

Under date of February 22, 1897, Agent Thomas of the Sac and Fox Agency, Oklahoma, transmitted to this office four Absentee Shawnee patents, with relinquishments endorsed thereon, as follows:

No. 318 issued to Charles Chisholm and relinquished by Charles Chisholm.

No. 505 issued to Charley Chisholm and relinquished by himself.

No. 506 issued to Wah-thah-pea-se or Chisholm, and relinquished by Charles Chisholm, Natural Guardian.

No. 507 issued to Na-co-la-pea-se, or Chisholm, and relinquished by Charles Chisholm.

Upon investigation it was ascertained that allottee No. 318 was a child four years of age, the son of Alice Chisholm. The patent was accordingly returned March 5, 1897, with an endorsement thereon showing that the relinquishment was void. The patent was subsequently relinquished by Alice Chisholm, the mother of the patentee, and was transmitted to the Department March 7, 1904, with the recommendation that it be cancelled.

May 22, 1901, the Department approved the recommendation of this office, that the adoption of Charley Chisholm (allottee No. 505) by

the Delaware tribe of Indians residing on the Wichita Reservation be approved, provided he first relinquish in writing all rights he might have as a member of the Absentee Shawnee tribe. This was done and he was allotted with the Wichita Indians, No. 502 on the schedule approved July 2, 1901.

November 5, 1901, the patent (No.505) was transmitted to the Department with the recommendation that it be cancelled which was subsequently done.

Charley Chisholm also requested the enrollment of his two children, "Lucy, or Wah-thah-pea-se", aged 19 years, and "Nellie, or Na-ce-la-pea-se" aged 13 years, with the Wichita &c. Indians, the former it was stated, being the wife of Sam Wilson, a full blood Caddo, while Nellie was living with him (Chisholm), which request was denied.

In office report of November 5, 1901, it was stated that the patents 506 and 507 would be retained in this office until the approval of the Creek roll (it having been asserted in the relinquishments that the patentees were members of that nation), whenk if they were not enrolled the relinquishments would be noted as void and the patents returned to the allottees.

August 6, 1903, the Commission to the Five Civilized Tribes was informed of the above, and requested to advise this office whether the two children of Charley Chisholm (506 and 507) were enrolled as members of the Creek Nation or had made application for such enrollment.

September 17, 1903, the Commission replied that Charley Chisholm and his daughter, Lucy, were listed for enrollment as citizens of the Creek Nation April 29, 1901, and that in accordance with directions

contained in a letter from this office dated April (July) 16, 1901, the name of Charley Chisholm had been stricken from the Creek rolls.

The Commission further stated that -

"Lucy Chisholm, daughter of Charley Chisholm, was listed for enrollment as a citizen of the Creek Nation with her father and that the application for her enrollment as a citizen of the Creek Nation is now pending before the Commission. Charley and Lucy Chisholm are both identified on the Creek tribal rolls Lucy appearing thereon as Lucy Chisholm or Wah-sa-pe-es. Nellie, daughter of Charlie Chisholm, is not identified on the Creek tribal rolls under that name, nor has any application been made for her enrollment as a citizen of the Creek Nation; Lizzie, daughter of Charley Chisholm, is identified ont the Creek tribal rolls with her father and sister Lucy, as Lizzie Chisholm or Nars-la-ge-es; she was listed for enrollment as a citizen of the Creek Nation with her father, and the application is now pending before the Commission.

The Commission has been informed that Charley Chisholm has resided near Anadarko, Oklahoma Territory, for ten or twelve years, and that his two children, Lucy and Lizzie, are residing with him.

From the similarity of the names, Nacclapcase and Nars-la-ge-es, it is believed that they are one and the same person."

September 18, 1903, the Commission further advised this office that the name of Lucy Chisholm, aged twenty-two years, child of Charley and Iyuka Chisholm, had been listed for enrollment as a citizen by blood of the Cherokee Nation and was included in the Commission's decision of April 10, 1903, granting the application for the enrollment of James Lewis, et al. Cherokee D-1166, the record in which case was forwarded to the Department for review May 4, 1903. The Commission stated that it did not appear that Nellie Chisholm, child of Charley Chisholm, had ever been listed for enrollment as a citizen of the Cherokee Nation.

The Commission having been called upon for further information in this case, replied, under date of February 26, 1904, that an examination of its records disclosed that in the application made April 28, 1901, for the enrollment, among others, of Charley Chisholm and his child, Lucy Chisholm, as citizens by blood of the Creek Nation, the mother of Lucy is given as Iyuka Chisholm, a Cherokee by

blood; and that the child's age was given as 16 years; and that she was identified upon the Creek tribal roll of 1895, Little River, Tulsa town, as Wah-sa-po-es. There was no testimony in the case the enrollment having been made from information.

The Commission further stated that in the application made June 26, 1902, by Lucy Chisholm for the enrollment of herself as a citizen by blood of the Cherokee Nation, Cherokee D-1348, she gave her age as twenty-two years, the name of her father as Charley Chisholm, a Creek citizen, and the name of her mother as Iyuka Chisholm, a Cherokee citizen; that in the application of Sallie Chisholm for the enrollment of herself and others as citizens by blood of the Cherokee Nation, Cherokee D 1281, she stated that her Cherokee name was Iyuka, that her maiden name was Sallie Lewis, that she had been married twice, her first husband being Charley Chisholm and her second Willie Chisholm, both Creek citizens; and that she originally applied for the enrollment of her child, Lucy Chisholm, aged twenty-one years, but was advised that Lucy, being of age, would have to apply for herself.

The Commission expressed the opinion that Charles Chisholm, former husband of Sallie Lewis, now Sallie Chisholm, is the same person as Charley Chisholm, that Lucy Chisholm, listed for enrollment as a citizen by blood of the Cherokee Nation, is the daughter of the same Charley Chisholm as Lucy Chisholm, or Wah-sa-po-es, listed for enrollment as a citizen by blood of the Creek Nation, and that while there is a difference of 6 years in the age, it is considered to be established beyond a doubt that Lucy Chisholm, the Cherokee citizen, and Lucy, or Wah-sa-po-es Chisholm, the Creek citizen, are one and the same person.

In this conclusion this office cannot concur.

Lucy Chisholm (Absentee Shawnee No.316), was allotted as the daughter of Sallie Lewis, former wife of Charley Chisholm. The name of the father is not give on the rolls. Patent No. 316 was relinquished by Sallie Lewis, mother and Natural Guardian.

Wah-thah-pea-se or Chisholm was allotted as the daughter of Charley Chisholm, the name of the mother not being given.

On November 3, 3rd quarter, 1892, of the accounts of Special Agent George P. Litchfield, Sallie Lewis, formerly wife of allottee 305 (Charley Lewis) receipts for her share of the payment and for that of her daughter Lucy Chisholm, 11 years of age.

On the same pay-roll, Charles Chisholm (allottee No.306) is enrolled with his wife, Co-tah-wah-pea-se, and his two daughters, Wah-thah-pea-se, age 8 years and Na-co-la-pea-se, but the roll is not receipted.

December 23, 1902, Superintendent Shockery transmitted to this office the application of Charles Chisholm, Wah-thahepea-se, and Na-co-la-pea-se for their per capita shares represented on the Litchfield pay-roll of the Absentee Shawnee Indians by the Nos. 563, 564, 565, and 566. This application contains the following statement: "Co-tah-wah-pea-se, No. 564, was the wife of Charles Chisholm; one of the applicants hereon was our mother, who died in the spring of 1893."

Attached to the application is the joint affidavit of two witnesses (C.A.Cleveland and Fred Schlegel) to the effect that each of them is well acquainted with Charles Chisholm and his family; that his wife, Co-tah-wah-pea-se died in the spring of 1893, at Anadarko, and that Wah-thah-pea-se and Na-co-la-pea-se are his daughters, aged respectively 20 and 18 years, and living at Anadarko.

From the evidence taken by the Commission in the case of James Lewis, et al., it appears that Sallie Lewis first lived with Charley Chisholm, one daughter, Lucy, being the result of that union; that they separated and Sallie married Willie Chisholm, by whom she had one son, John, who was not allotted as a Shawnee; and that Lucy always lived with her mother, first in Oklahoma, and for the last 8 or 10 years in the Cherokee Nation.

No mention is made by Sallie Lewis of any children other than these two (Lucy and John), neither are other children referred to by any of the other witnesses.

All the records in this office show separate families - Sallie Lewis and her daughter Lucy - and Charley Chisholm and two daughters, Wah-thah-pea-se and Na-ce-la-pea-se.

The natural inference from the application of Charley Chisholm and these two daughters, seems to be that they were the daughters of Charley Chisholm's wife, Ce-tah-wah-pea-se, who died in 1895.

But if the mother of Lucy, enrolled as a Cherokee, was also the mother of the two daughters enrolled as Creeks, it by no means follows that the younger, Lucy or Wah-thah-pea-se, is the same person as the older Lucy. The latter is shown to have always lived with her mother and stepfather, while the former lived in another place with her father.

The patent of Lucy Chisholm has been cancelled and her enrollment as a Cherokee should stand.

Wah-thah-pea-se and Na-ce-la-pease have been identified as Lucy and Lizzie Chisholm listed for enrollment as citizens of the Creek Nation.

It is therefore recommended that patent No. 502, issued February 5, 1892, to Wah-thah-pease or Chisholm, for the SW/4 of the SE/4 of Sec. 23, T. 11 N., R. 2 E., and No. 507, issued on the same date to Ma-co-la-pease for the S/2 of the SW/4 of Sec. 23, T.11 N., R. 2 E., be cancelled, this office and the Commission to the Five Civilized Tribes to be duly notified thereof.

The record in the case of James Lewis, et al., is transmitted with the other papers herein referred to.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

VPA

C

(COPY)

I.T.D. 2188-1904. DEPARTMENT OF THE INTERIOR, Washington, March 18, 1904. Y.C. FHE

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There is transmitted herewith a copy of Indian Office letter of March 14, 1904, relative to certain members of the Chisholm family, particularly Wah-thah-pea-se, to whom was issued Absentee Shawnee patent No. 506, and Na-ee-la-pea-se, to whom was issued Absentee Shawnee patent No. 507, children of Charley Chisholm and Co-tah-wah-pea-se.

In the various letters from your Commission, mentioned by the Acting Commissioner, it is contended that these children are listed as Creek citizens, under the names of Lucy and Lizzie Chisholm, children of Charley (or Charles) Chisholm and Sallie Lewis, now Sallie Chisholm.

In letter of September 10, 1903, you advised the Indian Office that the name of Lucy Chisholm, child of Charley Chisholm and Iyuka (Sallie) Chisholm, had been listed for enrollment as a citizen by blood of the Creek Nation, and was included in the Commission's decision of April 10, 1903, granting the application for the enrollment of James Lewis et al.

You concluded that Lucy Chisholm, the Cherokee citizen, and Lucy Chisholm, the Creek citizen, are one and the same person. The Indian Office does not concur in your opinion, apparently on very sound grounds. However, in view of the complications in this matter, before cancelling the patents to Wah-thah-pea-se and Na-ee-la-pea-se, numbers 506 and 507, as recommended by the Indian Office, the Department desires further investigation by you, in order that it may be determined, if possible, whether the parties to whom the patents were issued are entitled to enrollment as Creek citizens, and whether Wah-thah-pea-se is identical with Lucy Chisholm, identified as a Cherokee citizen, in order that she may not be enrolled in both the Creek and Cherokee Nations.

It is requested that this matter receive early consideration, and that in submitting your report you make recommendation in the matter.

Respectfully,

(Signed) Thos Ryan.

Acting Secretary.

Muskogee, Indian Territory, March 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

It is stated in Department's letter of March 19, 1904, (I.T.D. 2198-1904), that there was transmitted therewith a copy of Indian Office letter of March 14, 1904, relative to certain members of the Chisholm family.

The Department is advised that the copy of Indian Office letter referred to was not forwarded with Department's letter.

It is respectfully requested that the same be transmitted to the Commission.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
Washington.

D.C. 11874-1904.
I.T.D. 3042-1904.
LMG.

April 12, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Referring to your letter of March 30, 1904, stating that a copy of Indian Office letter of March 14, 1904, was not inclosed with departmental letter of March 19, 1904, relative to certain members of the Chisholm family, there is inclosed herewith a copy of said Indian Office letter.

Respectfully,

Thos Ryan
Acting Secretary.

1 inclosure.

J.W.S

Creek I. 4485.

Muskogee, Indian Territory, April 23, 1904.

Charles Chisholm,

Anadarko, Oklahoma Territory.

Dear Sir:

April 29, 1901, the Commission listed for enrollment as citizens of the Creek Nation, upon information, Lucy and Lizzie Chisholm, and it appears that you are their father. They are identified on the Creek tribal roll, Little River Tulsa Town, the former as Lucy Chisholm or Wah-sa-pe-es, and the latter as Lizzie Chisholm or Nars-la-ge-es.

March 14, 1904, the Commissioner of Indian Affairs reported to the Department that, under date of February 22, 1897, Agent Thomas of the Sac & Fox Agency, Oklahoma, transmitted to that office, among others, two Absentee Shawnee patents with relinquishments indorsed thereon as follows:

> No. 506 issued to Wah-thah-pea-se or Chisholm and relinquished by Charlie Chisholm, natural guardian.
> No. 507 issued to Na-ce-la-pea-se or Chisholm and relinquished by Charles Chisholm.

Charlie Chisholm requested the enrollment of his two children, "Lucy or Wah-thah-pea-se", aged nineteen years, and "Nellie or Na-ce-la-pea-se", aged thirteen years, with the Wichita &c Indians the former, it is stated, being the wife of Sam Wilson, a full-blood Caddo, while Nellie was living with him (Chisholm); which re-

quest was denied.

It was further stated in office report of November 5, 1901, that the patents No. 506 and 507 would be retained in that office until the approval of the Creek roll (it having been asserted in the relinquishments that the patentees were members of that nation), when, if they were not enrolled, the relinquishments would be noted as void and the patents returned to the allottees.

August 6, 1903, the Commission to the Five Civilized Tribes was informed of the above and requested to advise the Commissioner of Indian Affairs whether the two children of Charlie Chisholm, 506 and 507, were enrolled as members of the Creek Nation or had made application for such enrollment.

September 17, 1903, the Commission advised the Indian Office of the status of Lucy and Lizzie Chisholm, children of Charlie Chisholm, and September 18, 1903, the Commission further advised that office that Lucy Chisholm, aged twenty-two years, child of Charlie and Iyuka Chisholm, had been listed as a citizen by blood of the Cherokee nation.

The Commission having been called upon for further information in the case, replied under date of February 26, 1904, that an examination of its records disclosed that in the application made April 28, 1901 for the enrollment, among others, of Charles Chisholm and his child, Lucy Chisholm, as citizens by blood of the Creek Nation, the mother of Lucy was given as Iyuka Chisholm, a Cherokee by blood; that the child's age was given as sixteen years, and that she is identified on the Creek tribal roll of 1895, Little

River Tulsa Town, as Wah-sa-pe-se. There is no testimony in the case, enrollment having been made from information.

The Commission further stated that in the application made June 25, 1902, by Lucy Chisholm for the enrollment of herself as a citizen by blood of the Cherokee Nation, she gave her age as twenty-two years; the name of her father as Charlie Chisholm, a Creek citizen, and the name of her mother as Iyuka Chisholm, a Cherokee citizen. The Commission was of the opinion that Lucy Chisholm, the Cherokee citizen, and Lucy or Wah-sa-pe-se Chisholm for whom an application has been made for enrollment as a citizen of the Creek Nation, are one and the same person.

In his report to the Department of March 14, 1904, the Commissioner of Indian Affairs states that on December 23, 1902, Superintendent Thackery transmitted to that office the application of Charles Chisholm, Wah-tah-pea-se and Na-ce-la-pea-se for their per capita shares represented on the Litchfield pay roll of Absentee Shawnees by numbers 563, 564, 565 and 566; that the application contained the following statement: "Co-tah-wah-pea-se, number 564, was the wife of Charles Chisholm; one of the applicants hereon, was our mother, who died in the spring of 1893."

Thirty days from date will be allowed within which to submit to the Commission evidence showing whether Wah-thah-pea-se and Wah-sah-la-pea-se are entitled to enrollment as Creek citizens and whether Wah-thah-pea-se is identical with Lucy Chisholm identified as a Cherokee citizen. It is also required that evidence be furnished

the Commission within the time specified showing the name of the mother of Wah-thah-pee-ye and Nah-nah-la-pee-se.

Your attention is called to Section 29 of the act of Congress approved March 1, 1901, as follows:

"Said commission shall have authority to enroll as Creek citizens certain full blood Creek Indians now residing in the Cherokee Nation, and also certain full blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and eighty-eight; Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said Commission shall complete the rolls of Creek citizens as aforesaid."

Respectfully,

Chairman.

Registered.

(COPY) Y.P.
FHE

DEPARTMENT OF THE INTERIOR,
I.T.D. 2188-1904 Washington, July 11, 1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

In Departmental letter of March 19, 1904, in the matter of Absentee Shawnee patents Nos. 506 and 507, issued to Wah-thah-pea-se, and Na-ce-la-pea-se, children of Charley Chisholm and Co-tah-wah-pea-se, transmitted for cancellation, you were directed to make an early report, with recommendation, relative to the identity of Lucy Chisholm.

It is requested that you make your report in the matter at an early date.

Respectfully,

(Signed) Thos Ryan.
Acting Secretary.

LAND
45888-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 18, 1904.

The Honorable,

Secretary of the Interior,

Sir:-

There is forwarded herewith a communication from the Commissioner in Charge of the Commission of the Five Civilized Tribes dated July 1, 1904, in reply to Depart ment letter of March 19, 1904, (I.T.D. 2188-1904), in the matter of the application for the enrollment of certain members of the Chisholm family.

Very Respectfully,

A. C. Tonner,

Acting Commissioner.

J.F.A.-E

I. 4485.

Muskogee, Indian Territory, July 20, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of July 11, 1904 (I.T.D. 2188-1904), calling attention to Departmental letter of March 19, 1904, in the matter of Absentee Shawnee patents, Nos. 506 and 507, issued to Wah-thah-pea-se and Ma-ce-la-pea-se, children of Charley Chisholm and Co-tah-wah-pea-se, transmitted for cancellation, with directions to make an early report, with recommendations, relative to the identity of Lucy Chisholm.

In its letter of July 11, the Department requests a report in the matter at an early date.

In reply the Department is respectfully informed that report was made in the matter July 1, 1904.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

JP
FHE

ITD 2188-1904.
5846-

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

July 21, 1904

L.R.S.

Commission of the Five Civilized Tribes,
Muskogee, Indian Territory.
Gentlemen:-

It appears from your letter of September 17, 1903, that Lucy Chisholm (or Wah-sa-pe-se), daughter of Charley Chisholm, was listed for enrollment as a citizen of the Creek Nation, and that application for enrollment was pending; that Lizzie Chisholm (or Nars-la-ge-se), daughter of Charley Chisholm, was listed for enrollment in said nation, and the application was pending.

You stated that it appeared that Charley Chisholm, with said children, was residing near Anadarko, Oklahoma Territory, and had resided there for ten or twelve years.

The Acting Commissioner of Indian Affairs reported March 14 1904, that Absentee Shawnee Patent 506, was issued in 1892 to Wah-thah-pe-se (or Chisholm), and Shawnee Patent No 507 was issued in 1892 to Na-co-la-pea-se (or Chisholm).

According to the showing made by the Indian Office these two Patentees have been identified as Lucy and Lizzie Chisholm above mentioned. The Acting Commissioner therefore recommends that said Patents be cancelled, and that your Commission be so advised, in order, apparently, that the persons could be enrolled in the Creek Nation.

On March 19, 1904, the Department directed you to make further investigation in order that it might be determined if possible, whether the parties to whom the patents were issued are entitled to enrollment as Creek Citizens, and whether Wah-thah-pea-se is identical with Lucy Chisholm, identified as a Cherokee citizen, and in order that she may not be enrolled as a citizen of both nations.

It appears, from your report of July 1, 1904, and the papers submitted therewith, that on April 23, 1904, you notified Charley Chisholm by registered mail, at Anadarko, of the status of the case, and that thirty days would be allowed within which to submit to you evidence showingwhether Wah-thah-pea-se and Wah-sah-la-pea-se are entitled to enrollment as Creek citizens, and whether Wah-thah-pea-se is identical with Lucy Chisholm, identified as a Cherokee Citizen, and it was also requestedthat evidence be furnished showing the names of the mothers of these persons.

The notice was received by Charley Chisholm, as appears from the registry return receipt. You report that no evidence has been offered in the case, nor has any response to the Notice been received by you.

You express the opinion that in view of the residence of the parties in Oklahoma Territory, where they have resided for many years and the provisions of Section 29, of the Act of March 1, 1901 (31 Stat. 861), they are not at this time entitled to enrollment as citizens of the Creek Nation.

You are advised that the Department concurs in your views, and you are directed to so advise Charley Chisholm, Lucy Chisholm and Lizzie Chisholm, and that (if they are "recognized citizens found on the Creek rolls", as has been assumed), if they do re-establish bona fide residence in the Creek Nation within the time specified in said act of March 1, 1901 (31 Stat., 861), it will be necessary for them to appear promptly before your Commission for identification and enrollment.

Should they return to the Creek Nation before you complete the rolls of that nation, and you find them entitled to enrollment, you will so advise the Department, in order that proper action may be taken relative to the patents mentioned. It is requested also, that should they not return to the Creek Nation, you report the fact to the Department in due time.

A copy of the Acting Commissioner's letter of July 18, 1904, submitting your report of July 1, 1904, is inclosed.

Respectfully,

(Signed) Thos Ryan.

Acting Secretary.

1 inclosure.

9818

I. 4488.

Muskogee, Indian Territory, July 28, 1904.

Lucy Chisholm (or Wah-sa-pe-se),

Anadarko, Oklahoma Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and your sister, Lizzie Chisholm (or Nars-la-ge-se), as citizens of the Creek Nation, the Commission notified your father, Charley Chicholm, on April 23, 1904, of the status of the case and that thirty days would be allowed within which to submit evidence showing whether Wah-thah-pea-se and Nah-sah-la-pea-se are entitled to enrollment as citizens of the Creek Nation, and whether Wah-thah-pea-se is identical with Lucy Chisholm, identified as a Cherokee citizen, and it was also requested that evidence be furnished showing the name of the mother of these two persons.

The notice was received by him as appears from the return registry receipt.

No evidence having been offered in the case, the Commission, on July 1, 1904, made report in the matter to the Department and expressed the opinion that in view of the residence of the parties in Oklahoma Territory, where they have resided for many years, and the provisions of Section 29 of the Act of Congress, March 1, 1901 (31 Stat., 861), they are not at this time entitled to enrollment as citizens of the Creek Nation.

July 21, 1904, the Department advised that it concurred in the views of the Commission and directed that you be so advised, and that if you do re-establish bona fide residence in the Creek Nation within the time specified in said act of March 1, 1901 (31 Stat., 861), it will be necessary for you to appear promptly before the Commission for identification and enrollment.

Accordingly, you are advised that if you establish residence in the Creek Nation within the time specified in Section 29 of the Act of Congress, March 1, 1901 (31 Stat., 861), proof thereof must be submitted to the Commission at its office in Muskogee, Indian Territory.

Section 29 of the Act of Congress, March 1, 1901 (31 Stat., 861) is as follows:

> Said Commission shall have authority to enroll as Creek citizens certain full blood Creek Indians now residing in the Cherokee Nation, and also certain full-blood Creek Indians now residing in the Creek Nation who have recently removed there from the State of Texas, and the families of full-blood Creeks who now reside in Texas, and such other recognized citizens found on the Creek rolls as might, by reason of non-residence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety eight: Provided, that such nonresidents shall, in good faith, remove to the Creek Nation before said Commission shall complete the rolls of Creek citizens as aforesaid.

Respectfully,

Commissioner in Charge.

Register.

Muskogee, Indian Territory, February 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

On July 1, 1904, the Commission to the Five Civilized Tribes submitted a report in the matter of the application for the enrollment of certain members of the Chisholm family particularly Lucy Chisholm or Wah tha pea se and Lizzie Chisholm or Na oe la pea se.

The opinion was expressed in the said report that in view of the residence of the parties in Oklahoma Territory where they have resided for many years and the provisions of Section 29 of the Act of Congress approved March 1, 1901 (31 Stats.,861), that said applicants were not at that time entitled to enrollment as citizens of the Creek Nation.

On July 21, 1904, the Department addressed a communication to the Commission (I.T.D.2188-1904, 5846-1904), instructing that Charley Coonhead, Lucy Coonhead and Lizzie Coonhead be

advised that (if they are recognized citizens found on the Creek roll) if they do reestablish their residence in the Creek Nation within the time specified under the Act of Congress approved March 1, 1901 (31 Stats.,861), it would be necessary for them to appear promptly before the Commission for identification and enrollment.

Accordingly on July 28, 1904, letters were addressed to Charley Chisholm, Lucy Chisholm and Lizzie Chisholm, by registered mail, notifying them of the status of the case and that it would be necessary for them to appear promptly before the Commission for identification and enrollment.

The notices addressed to Charley Chisholm and Lucy Chisholm were received as shown by the enclosed registry receipts; letter addressed to Lizzie Chisholm was returned unclaimed with notation "deceased" on the envelope enclosing same.

On February 13, 1905, another communication was addressed to Charley Chisholm calling attention to the previous communication and asking for information as to whether or not his daughter Lizzie was dead.

Secretary 3.

It is shown by the return of registry receipt that this last letter was delivered but no response has ever been made to any of the notices nor has any further evidence been submitted in this case.

It is, therefore, the opinion of the Commissioner inasmuch as there is no evidence to show that the applicants herein have complied with the provisions of Section 29 of the Act of Congress approved March 1, 1901 (31 Stats.,861), that said applicants are not entitled to enrollment as citizens of the Creek Nation and it is respectfully recommended that the application for their enrollment as such be denied.

Copies of the letters and return registry receipts referred to are enclosed herewith.

Respectfully,

Through the Commissioner of Indian Affairs.

COMMISSIONER.

AG-25

J. F.

RJH

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

D.C. 12864-1907.
I.T.D. 7839-1907.

March 4, 1907.

L.R8.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following citizenship cases, adverse to the applicants, are hereby affirmed. Copy of Indian Office letter of March 2, 1907, submitting your reports and recommending that the decisions be affirmed, is herewith inclosed.

Title of Case:	Date of your letter of transmittal.
Angeline and Leslie King, Chickasaw freedmen,	February 27, 07
Oscar Alexander Rentie, Choc. or Chick.	February 27, 07
Birtron Hall, Chickasaw freedman,	February 26, 07
Charley Chisholm, et al, Creek.	February 25, 07
Nancy Gaines, Chickasaw freedman,	February 27, 07
Elberta Carolina, Chickasaw freedman,	February 27, 07
Jodie Grayson, Creek freedman,	February 26, 07
Malinda Jackson and Lou Cox, Chickasaw freedmen,	February 27, 07
Willie and Roy Rose, Chickasaw freedmen,	February 27, 07
Dick Gaines, Chickasaw freedman,	February 27, 07
Sina Harrison, Choctaw or Chickasaw freedman,	February 26, 07
Mattie Moore, Chickasaw freedman,	February 26, 07
Fredie James, Chickasaw freedman,	February 26, 07
Joe Kemp, Chickasaw freedman,	February 27, 07
Albert Rentie, Chickasaw freedman,	February 27, 07
Dessey Bruner, Seminole citizen and Chickasaw freedman,	February 27, 07
Sallie Foster, Creek by blood,	February 27, 07

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,
(Signed) Jesse E. Wilson,
Assistant Secretary.

1 inc. and 50 incs.
for Ind. Off.

W.C.F. 3/4/07 .

Refer in Reply
to the following:

LAND
References in
body of letter.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

C O P Y

March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:.

There are transmitted herewith the records of proceedings in the matter of the applications for the enrollment of the following named persons--

21278-1907: Malinda Jackson, and
Lou Cox, as Chickasaw freedmen;

21279-1907: Albert Rentie, as a Chickasaw freedman;

21280-1907: Dessey Bruner, as a citizen of the Seminole Nation and as a Chickasaw freedman;

21281-1907: Joe Kemp, as a Chickasaw freedman;

21282-1907: Angeline King, and
Leslie King, as Chickasaw freedmen;

21283-1907: Dick Gaines, as a Chickasaw freedmen;

21284-1907: Oscar Alexander Rentie, as a Choctaw or Chickasaw freedman;

21285-1907: Willie Rose, and
Roy Rose, as Chickasaw freedmen;

21286-1907: Elberta Carolina, as a Chickasaw freedman;

21287-1907: Nancy Gaines, as a Chickasaw freedman;

21288-1907: Birtron Hall, as a Chickasaw freedman;

21289-1907: Sina Harrison, as a Choctaw or Chickasaw freedman;

21290-1907: Mattie Moore, as a Chickasaw freedman;

21291-1907: Freddie James, as a Chickasaw freedman;

21292-1907: Jodie Grayson, as a Creek freedman or as a Chickasaw freedman;

21294-1907: Charley Chisholm,
Lizzie Chisholm, and
Lucy Chisholm, as citizens by blood of the Creek Nation;

21275-1907: Sallie Foster, as a citizen by blood of the Creek Nation;

The decisions of the commissioner to the Five Civilized Tribes, relative to the enrollment of the applicants above named, were adverse in each case.

The decisions of the commissioner have been examined, they are found to be correct, and the office recommends that they be approved.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBM-LC..

Cr.En. 547.

Muskogee, Indian Territory, March 16, 1907.

Lucy Chisholm.

Turley, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of March 4, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the application for the enrollment of yourself and your deceased sister, Lizzie Chisholm, as citizens of the Creek Nation.

Respectfully,

Commissioner.

LM

Enrollment Case

547

Residence: _____ Card No. _____

Post Office: Anadarko O.T. (Sac & Fox Agency) _____ NATION. _____ ROLL. Field No. 4485.

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT. Year.	District.	No.	TRIBAL ENROLLMENT OF PARENTS. Name of Father.	Year.	District.	Name of Mother.	Year.	District.
	1 Chisholm, Lucy		16	F	Full	1895	L.R. Tulsa	289	Charley Chisholm	1890	L.R. Tulsa	Imuha Chisholm		Cherokee
	2 " Lizzie		11	F	"	1895	" " "	290	" "	1890	" "	" "		"
	3													
	4					Nos. 1 & 2 transferred from Cr. card 3780.								
	5					" 1 & 2 live with their father near Anadarko, O.T.								
	6					The father of #1 & #2 has been enrolled with Delaware tribe in Kiowa								
	7					Agency - See letter of Com'r of Ind. Affairs 7/6/03.								
	8					No 1 holds an allotment as an Absentee Shawnee, Patent #506. Said Patent was								
	9					relinquished by Charley Chisholm, as natural guardian, and same was retained								
	10					in Com'r of I.A. office - See Com'rs letter of 9/6/03. See in said letter reference								
	11					to one "Nacelapessi", U.S. Patent #507, which is probably No 2 hereon. Said								
	12					patent #507 was also relinquished by Charley Chisholm, as natural guardian								
	13					and was retained in Com'r of I.A. office. Said letter (9/6/03) says: "were retained in								
	14					this office pending the approval of the Creek roll."								
	15					No 1 on Cherokee D-1348								
	16					See Creek Indian Jacket #3780.								
	17													
	18 Transferred 9/6/03.					(Enrolled) (Dec. 5th)								

Apr. 29-1901

CR EN 548

CR EN 548

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JULY 15, 1904.

In the matter of the application for the enrollment of Cinda Bruner, Martha Gage, Strey Marshall and Addie Gage as Creek Freedmen.

APPEARANCES: A. S. McRae, attorney for applicants.
M.L.Mott, attorney for Creek Nation.

Cinda Bruner being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Cinda Bruner.
Q How old are you? A Fifty.
Q What is your post office address? A Clarksville.
Q Do you make application for enrollment as a Creek Freedman? A Yes sir
Q Did you ever draw any money from the Creek Nation? A No sir.
[redacted]
Q Where do you live? A Just the other side of Red River.
Q Do you live in the Creek Nation? A Yes sir.
Q Do you mean the Arkansas River? A Yes sir.
Q How long have you lived in the Creek Nation? A Well, I can't tell you how long but I have been here all the time.
Q Where were you born? A In this country.
Q Creek Nation? A Yes sir.
Q Were you taken out of the Nation during the War? A No,sir; I don't know nothing about the war; I have heard talk of it though.
Q Did you ever go by any other name except Cinda Bruner? A No sir.
Q Was you the slave of a Creek citizen? A Yes sir.
Q What was his name? A John Nivens.
Q Have you ever been married? A Yes, twice.
Q What was the name of your first husband? A Ike Nivens.
Q What was the name of the next one? A Jim Bruner.
Q What was the name of the father of Mary Gage? A Jim Bruner; that's my daughter.
Q Is Jim Bruner living or dead? A Dead.
Q How long has he been dead? A I think he been dead two years now.
Q Was he enrolled by the Commission and got his land? A No sir; I was waiting for his coming.
Q And Jim didn't get his land? A No sir.
Q To what town in the Creek Nation do you claim to belong? A I don't know; I can't call it.
Q Do you know what town Jim belonged to? A The same I do I guess.
Q Have you ever been enrolled by the Creeks? Has your name ever been put on the Creek rolls? A I don't know sir.
Q You never drew any money? A No sir.
Q Did you ever hear of the Dunn Roll? A Yes sir.
Q Did you have your name put on the Dunn Roll? A No sir.
Q Why? A I don't know; I can't tell you except that I was waiting for my husband to put my name on.

Q What was the name of Jim Bruner's father? A His name was Jim too; named for his father.
Q What was the name of his mother? A Hannah.
Q Is Hannah living? A No sir, dead.
Q Been dead a long time? A Yes sir; going on four years or five I guess.
Q Did Jim have any brothers or sisters? A No sir, aint got no sisters.
Q Nor brothers either? A No sir, except the baby one-, I say he was the last, the baby one.

The Dunn Roll examined and neither Cinda nor Jim Bruner identified thereon.

Q Have you lived in the Creek Nation all your life? A Yes sir.
Q Have you ever been out of the Creek Nation? A No sir.
Q Never have? A No sir.
Q What was the name of your owner? A John Nivens.
Q Did he go out of the Creek Nation during the war? A Yes sir.
Q Did he leave you here? A Yes sir.
Q Whom did he leave you with? A With his wife, Miss Nivens.
Q Did Mrs. Nivens go out during the war? A Yes sir.
Q Did you go with her? A No sir.
Q Whom did she leave you with? A I don't recollect who it was.
Q Didn't she leave you in charge of somebody? A I can't tell you who all they were.
Q When Mrs. Nivens went out of the Creek Nation did she take her slaves with her? A She carried some away.
Q Whom did she leave the others with? AI can't tell you the name now but I know she left us with one by the name of Jack and Alex Nivens;I know them state people.
Q What was the reason for leaving part of her slaves here? A I can't tell you that.

Examination by Mr. McRae:

Q What did you say the name of your father was? A Sam Kanford.
Q Is he living or dead? A He is dead.
Q About how long has he been dead? A I can't tell; maybe ten or twelve I guess.
Q Do you know whether or not his name appears on any of the tribal rolls of the Creek Nation? A Yes sir it does.
Q Did he ever say that his name is on the Dunn Roll? A Yes sir, he said so.
Q Was he the slave of a Creek citizen? A Yes sir.
Q To whom did he belong? A I think he belonged to Moses Perryman.
Q Have you any brothers or sisters living? A My sister living; my brothers aint.
Q What is the name of your brothers? A Jim, Samuel and Sampson Brown.
Q Are they recognized citizens of the Creek Nation? A Yes sir.
Q You married at the close of the War? A Last marriage?
Q First marriage. A I was married before the war.
Q What did you say the name of the first husband was? A Ike Nivens.
Q How long has he been dead? A He is living at Fort Gibson.
Q Is he a Creek citizen? A Yes sir.
Q To whom did he belong? A He and him belonged to one man, John Nivens.
Q When when did you marry Bruner? After the second year of surrender.
Q Was you and your brother Jim of the same father and mother? A No sir, different mother.
Q Same father and different mother? A Yes sir.
Q What is the name of your mother? A Judy.

By the Commission:

Q Was Sam Manford ever called by any other name? A No sir.
Q Did you ever know anybody by the name of Sam Perryman? A No sir.
Q Who was it you belonged to? A John Vivens.
Q Whom did Jim Samuels belong to? A Moses Perryman I believe.
Q What was Jim's mother's name? A Aunt Izzie.
Q Did Jim have any full brothers and sisters? A Different mother.
Q Did Jim's mother have some other children besides Jim? A Yes sir.
Q Do you know the names of some of them? A I know Sampson and my sister Amy.
Q Who else? A Nobody else but them.

The Dunn Roll examined and James Samuel identified thereon at #1090 as Jim Steadham; it appears from the records of the Commission that his father was Sam Perryman and his mother Easy Perryman, and that the said Jim Steadham and his father and mother were the slaves of Moses Perryman.

The Dunn roll further examined and Sam Manford not identified thereon.

By Mr. McRae:

Q How long has your mother been dead? A I don't know.
Q Died before the war? A No sir, after the war.
Q To whom did she belong? A John McIntosh.
Q Did she have any other husband other than your father? A No sir; didn't had none.

By the Commission:

Q Did your mother have any other children? A No sir.
Q What was Sampson's other name? A Brown.
Q What was the name of his father? A Sam Manford.
Q Was his mother Easy? A Yes sir.

Sampson Brown is identified on the Dunn Roll at #1060 under the name of Sampson Steadham. From the records of the Commission it appears that his mother was Sam Brown and his mother Easy Steadham; that said Sam Brown and Easy Steadham were the slaves of Moses Perryman, and that Sam Brown was the slave of Melford.

James Samuel being sworn testified as follows:

Examination by the Commission:

Q What is your name? A James Samuel.
Q What is your age? A Somewheres along about 47 I guess.
Q What is your post office address? A Clarksville.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q You have been enrolled by the Commission and got your land?
A Yes sir.
Q Do you know Cinda Brewer? A Yes sir.
Q Is she kin to you? A Sister.
Q Full sister or half? A Half sister.
Q Same father? A Yes sir.
Q Different mothers? A Different mothers.

Q Were you a slave of a Creek citizen? A Yes sir.
Q To whom did you belong? A Rose Perryman.
Q Did your sister, Cinda, belong to Rose Perryman? A I don't know who she belong to only what I heard.
Q About how old were you at the close of the war? A I can't tell you that.
Q Do you remember about it? A Mighty little; I can't tell you how old I was to save my life.
Q Were you taken out of the Creek Nation during the war? A Yes sir.
Q Where were you taken to? A I was taken down on Red River.
Q Do you remember of making the trip down there? A Not much.
Q Do you remember of coming back? A Yes sir.
Q You remember the trip coming back, do you? A Just a little.
Q Was your mother living then? A Yes sir.
Q Do you remember who came back in the party with you? A No sir.
Q Did you ever see your sister, Cinda, before you came back from down South- do you remember? A No, I don't remember seeing her at all; I don't remember whether she was with the old man or who.
Q Do you know whether she was taken out during the war, or not? A No sir, I don't know anything about that.
Q You belong to Arkansas town, do you? A Yes sir.
Q Did your mother belong to that town? A Yes sir.
Q What town did your father belong to? A I don't know what town the old man belonged to.
Q If your sister, Cinda, was a citizen of the Creek Nation to what town ought she belong, do you know? A Seem to me she ought to belong to Arkansas town.
Q Do you know why it is, if she was entitled to enrollment as a citizen of the Creek Nation, that her name hasn't been placed on the Creek rolls? A No sir, I don't; only she claims she was waiting on her husband and he had never done anything when he died. That's all I know about it.
Q How far do you live from her? A Now?
Q Yes. A She's living with me.
Q How long has she been living with you? A For about 7 years.
Q Was she living with you when the $14 payment was made? A No, I guess not.
Q How far did she live from you before she commenced living with you? A About 5 miles.
Q Was the matter ever discussed among the relatives as to why it was she had not been drawing money from the Creek Nation? A No sir, not as I know.
Q You never heard it discussed? A No sir.
Q How long has it been since your attention was called to this matter about trying to get her on the Creek rolls? A I had several people talking to me about it during the council at the capitol, and the officers, councillors claim they was going to tend to that business and they promised to see to the old lady- that's why I never tried to do anything about it.
Q About how long ago was that? A I can't tell.
Q Have you ever been a member of the Creek council? A No sir.
Q As you understand it the Creek council didn't take any action in the matter; do you know whether they passed u on it? A I never did learn what they done about it.
Q Do you know whether or not Cinda Bruner was here when the Dunn Roll was made? A I don't remember.

Examination by Mr. MaRae:

Q How long has your father been dead? A I can't tell you exactly but its been several years.
Q Did your father recognize Cinda Bruner, the applicant here, as his daughter? A Yes sir.
Q You recognize her as your sister? A Yes sir.
Q Has she resided in the Creek Nation, as near as you can remember, since you first learned to know her? A Yes sir.

Examination by Mr. Hatt:

Q Through whom do you claim your citizenship? Your father or mother?
A I don't know; I claim both I guess.
Q Do you claim citizenship by blood or Freedman? A Freedman.
Q Have you filed? A Yes sir.
Q When did you make application? A I can't tell just exactly how long its been.
Q How many years? A I can't tell you.
Q Five years? A It may be; I can't tell you exactly to save my life; I am not going to tell anything except the truth.
(Mr. McRae objects to pressing the witness; that the record is the best evidence of that.)

Q Well, you didn't claim before the land office opened, did you?
(No answer).
Q Where was your sister when you came here to enroll? A She was at home.
Q Why didn't she come with you? A Well, I will tell you; you see we had meant- we had confidence in these councillors and they said they would put it through; that's why I didn't bother with it; why they didn't do it I don't know.
Q Did you know, then that she was not on the Dunn Roll? A No sir, I didn't.
Q Did you come and file yourself-- make application? A Yes sir.
Q Did you come and make application for enrollment yourself? A Yes sir.
Q Well, at the time you did that you didn't know whether your sister was on the Dunn roll or not? A No sir.
Q Why didn't you leave yourself then to the council as you left hers to the council? ACause they didn't ask her to I guess.
Q Well, wasn't you interested in it? A Yes sir.
Q You say you was on the Dunn roll; you didn't know but what she was on the Dunn roll; you came and asked to be enrolled yourself and that she never; and that the reason she never was that she was depending upon the council; you didn't depend upon the council in your case? A No sir.
Q She was living with you at that time? A When I come and filed?
A Yes. A Yes sir; she was living with me.
Q You were taken out of the Creek Nation, were you, during the war?
A That's what they say.
Q Do you know whether you were or not? A I might have come from the other side of the river and come back.
Q Where was she at that time? A I can't tell you.
Q When did your father die? A Several years ago; I can't tell.
Q How many years ago? A I can't tell.
Q Do you remember him? A Yes, but I don't know just how long it is since he died.
Q Do you remember talking to him? A Yes sir.
Q How old are you? A I am about 47.
Q How big were you when your father died? A I was grown when my father died;
Q Did you live with him up to the time he died? A No sir.
Q Live anywheres near him? A No sir.
Q Where did he live? A He didn't have any certain place to live; he was an old fellow; just went along with his children; along with his kin folks.
Q Was he afterwards near you? Did he live in Territory? A Yes sir.
Q Where was your sister when your father died? A She was at home.
Q With you? A Yes sir.
Q Was that 20 years ago? A She was there home.
Q Living with them? A When my father died my sister wasn't staying with me; she was staying about five miles from my place.
Q Who with? A With her husband I guess; Jim Bruner.
Q How long has Jim Bruner been dead-- about? A I don't know exactly, but it must be about two or three years.

Q Was he a state man? A I don't know whether he was a state man or not; his mother was a citizen they claimed;

By the Commission:

Q Do you know whether Jim was enrolled here by the Commission or not? Did he get any land? A I don't know.

By Mr. Mott:

Q Was his mother enrolled? A I can't tell you.
Q Who put you on the Dunn roll; do you remember when you were put on the Dunn roll? A No sir, I don't remember; my parents.
Q You say your parents put you on the Dunn Roll? A Yes sir; some of my parents.
Q And you are younger than your sister? A Yes sir.
Q And your parents put you on? A Yes sir.
Q And they didn't put her on? A No sir.
Q And you are younger than she is? A Yes sir.

By Mr. McRae:

Q Did you know your sister's mother in her life time? A No sir.

By Mr. Mott:

Q Did your father claim to be married to the mother of your sister?
A I neverhas heard him say.
Q Don't know whether they were married or not? A I can't tell.

By Mr. McRae:

Q You don't know whether he was married to your mother or not? A No sir.

By Mr. Mott:

Q You heard him say so, didn't you? A No sir, I didn't.
Q Have you got any brothers and sisters on the rolls? A Yes sir.
Q Is the mother of these the same as your mother? A Yes sir.
Q You haven't got any half brothers and sisters on the roll, have you?
A No sir.
Q Your mother's children, all of them, are on the roll, are they?
A Yes sir, I think they are all on the roll.
Q And they all claim to have the same fat er? you have? A Yes sir.
Q But you have no half brothers or sisters on the roll? A No sir.

Martha Gage being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Martha Gage.
Q How old are you? A About 20.
Q What is your post office address? A Clarksville.
Q Do you make application for enrollment as a Creek freedman? A Yes sir.
Q Do you make application for enrollment as a Creek freedman? A Yes sir.
Q What is the name of your mother? A Cinda Bruner.
Q That is the person that has just made application? A Yes sir.
Q What is the name of your father? A Jim Bruner.

Q Is Jim Brumer living or dead? A Dead.

Q How long has he been dead? A This last March it was 2 years ago.
Q Was he a recognized citizen of the Creek Nation? A No sir.
Q He was not? A No sir.
Q He never got any land? A No sir.
Q Do you know whether your father ever drew any money from the Creek Nation or not? A No sir.
Q He was not recognized as a citizen of the Creek Nation you say? A No sir.
Q Your rights, if you have any, come from your mother; is that right or not? A Yes sir.
Q Have you ever drawn any money from the Creek Nation? A No sir.
Q To what town in the Creek Nation do you claim to belong? A Arkansas.
Q Was your father ever called by any other name except Jim Brumer?
A No sir.
Q Do you know the name of your father's father? A I don't know sir.
Q Do you know the name of your father's mother? A Yes sir.
Q What was her name? A Hannah Bright.
Q Did your father have any brothers and sisters? A Not as I know of.

The Dunn Roll examined and the father of the applicant not found thereon.

Q What is the name of your oldest child? A Stroy Marshall.
Q How old is he? A 10 years old.
Q Next? A Addie Gage.
Q How old? A She is six going on 7.
Q What is the name of the next? A That's all.
Q What is the name of the father of Stroy Marshall? A Robert Marshall.
Q Is he living or dead? A Living.
Q Is he a citizen of the Creek Nation? A Yes sir.
Q Has Stroy Marshall been enrolled by the Commission? A No sir.
Q Whom is he living with? A With me.
Q Were you and Robert Marshall married. A Yes sir.
Q Did you have a license? A I don't know sir. We wasn't married.
Q Is Robert Marshall married now? A Yes sir.
Q What is his wife's name? A Miley.

Records of the Commission examined and it appears that Robert Marshall is listed for enrollment on Creek Freedman card Field No. 1293 and that his name is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, Number 4442

Q What is the name of the father of Addie Gage? A Jim Gage.
Q Living or dead? A Dead.
Q How long has he been dead? A Not a year yet.
Q Was he a citizen of the Creek Nation? A No sir.
Q He was a states man was he? A Yes sir.

Examination by Mr. McRae:

Q Was Robert Marshall married at the time this child was born to you?
A No sir.
Q Does he recognize this child as being his? A No sir.
Q What? A Yes sir.
Q Did Robert Marshall, the alleged father of your boy, Stroy Marshall, render or give him support at any time? A Yes sir.
Q Does he help maintain,and support the child at the present time?
A Yes sir.

By the Commission:

Q Was any money ever drawn for Strey? A No sir.
Q He never got any money? A No sir.

By Mr. Mott:

Q What did Robert ever furnish Strey? A Buy clothes for him and something to eat.
Q When was the last time he bought anything for him? A Hasn't bought anything for him since he been married.
Q Six years? A I guess about that- how long we been married.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 29 day of July, 1904.

Charles McLaughlin
Notary Public.

J.H.B

Creek Mn. 548

Muskogee, Indian Territory, December 6, 1904.

Martha Gage,

Clarksville, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and children as citizens of the Creek Nation you are hereby notified that it is desired that Ike Nivens and Robert Marshall appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Thirty days from date will be allowed within which to have said Ike Nivens and Robert Marshall before the Commission and the same length of time is allowed within which to submit such other evidence as may be desired.

In the event that no further evidence is offered within the time mentioned, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Register.

8813

Creek No. 848

Muskogee, Indian Territory, December 6, 1904.

A. S. McRae,
Attorney for Martha Gage, et al.,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Martha Gage and children as citizens of the Creek Nation, you are hereby notified that it is desired that Ike Nivens and Robert Marshall appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Thirty days from date will be allowed within which to have said Ike Nivens and Robert Marshall before the Commission, and the same length of time is allowed within which to submit such other evidence as may be desired.

In the event that no further evidence is offered within the time mentioned, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

8.018

Creek En. 848

Muskogee, Indian Territory, December 6, 1904.

Cinda Bruner,

Clarksville, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a citizen of the Creek Nation, you are hereby notified that it is desired that Ike Nivens appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath. Thirty days from date will be allowed within which to have said Ike Nivens before the Commission, and the same length of time is allowed within which to submit such other evidence as you may desire.

In the event that no further evidence is offered within the time mentioned, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Register.

Copy

23.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

To Robert Marshall ~~Brunner~~

You are hereby summoned to appear before the the Commission to the Five Civilized Tribes at Muskogee in the Creek Nation, Indian Territory, on the 7th day of August 1905, to testify before said Commission in making rolls of citizens as provided by Act of Congress of June 28th, 1898, in the matter of the application of Cinda Brunner et al.

for enrollment as 1 citizen 3 of the Creek Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at Muskogee I.T. this 28 day of July 1905

Commissioner.

I, ... *do solemnly swear that I am* .... *years of age, and that on the* .... *day of* .... *1* ...... *, in the* ....

Nation, Indian Territory, I served the within Subpœna on the within named ....

by then and there delivering a true copy of the same to said ....

Subscribed and sworn to before me this .... *day of* .... *1* ......

....

No. ....

SUBPŒNA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of ....

in the .... *Nation.*

23.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

To Robert ~~Bruner~~ Marshall
(address illegible)

You are hereby summoned to appear before the the Commission to the Five Civilized Tribes at Muskogee in the Creek Nation, Indian Territory, on the 7" day of August 1905, to testify before said Commission in making rolls of citizens as provided by Act of Congress of June 28th, 1898, in the matter of the application of Cinda Bruner et al.

for enrollment as citizen of the Creek Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at Muskogee I.T. this 28" day of July 1905

Commissioner.

I, ... *do solemnly swear that I am* .... *years of age, and that on the* .... *day of* .... *1* .... *, in the* .... *Nation, Indian Territory, I served the within Subpœna on the within named* ....

by then and there delivering a true copy of the same to said ....

Subscribed and sworn to before me this .... *day of* .... *1* ....

....

....

No. ....

SUBPŒNA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of ....

in the .... *Nation.*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cinda Bruner, et al., as Creek Freedmen.

Muskogee, Indian Territory, January 6, 1905.

APPEARANCES:
A. S. McKae, Attorney for Applicants.
(The office of the Creek Attorney was communicated with by 'phone) and this office was advised that Mr. Mott was out of town).

Isaac Nivens, being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Isaac Nivens.
Q Sometimes called Ike Nivens? A Yes sir.
Q How old are you? A Well, I don't know how old. (Witness appears to be at least 60).
Q What is your postoffice address? A Gibson.
Q Fort Gibson? A Yes sir.
Q You know Cinda Bruner? A Yes sir.
Q How long have you known her? A Well, knew her before the rebellion.
Q How long have you lived in the Creek Nation? A On this side, but it was not exactly in the Creek Nation; never lived in the Creek Nation.
Q How long have you lived about Fort Gibson? A It has been altogether--well, 50 years or longer.
Q What relation is Cinda Bruner to you, if any? A No kins, o used to liv together.
Q As man and wife? A Yes sir.
Q How long did you live together as man and wife? A I can't tell that; a couple of years or longer.
Q And you think you began to live with her before the rebellion? A Yes sir.
Q Did you know where she lived before you began to live with her? A Yes sir.
Q Where did she live? A I cannot exactly tell that.
Q Are you a citizen of the Creek Nation? A I am a citizen of the Creek Nation.
Q Were you a slave A Yes sir.
Q Was Cinda Bruner a slave at the time of the emancipation? A Yes sir.
Q Was she a slave of a Creek citizen? A Yes sir.
Q What was his name? A A woman named Nivens, I believe.
Q What Nivens? A That's all I know about it.
Q Was she owned by the same person you were owned by? A Yes sir.
Q And he was a Creek citizen? A Yes sir.
Q What was the name of your owner? A John Nivens.
Q What was the name of her owner? A I can't tell that.
Q Didn't you just say that she was owned by the same party you were? A Yes, she was at that time.
Q How long was she owned by this John Nivens you say owned you?

A Well, till they turned the slaves loose.
Q Was it before that time before she was owned by John Nivens that she was owned by the Nivens woman? A She was part Creek.
Q When did Mrs. Nivens own her? A Well, she owned--before John died. They both lived together there.
Q Do you know that this woman, Cinda Bruner, was owned by a Mrs. Nivens? A Yes sir.
Q Was she a Cherokee citizen? A Yes sir.
Q Was she a Creek citizen? A It worked on both sides.
Q Both Creek and Cherokee? A Yes sir.
Q What was her name? A John Nivens' wife.
Q You say that John Nivens and his wife owned a Cinda Bruner at the time the slaves were freed? A Yes sir.
Q Did you know Cinda Bruner at the time the slaves were freed--did you see her? A No sir.
Q Did you know where she was at that time? A No sir.
Q Do you know what town in the Creek Nation Cinda Bruner claims to have belonged to? A No sir.
Q Do you know what town in the Creek Nation this Creek owner of Cinda Bruner belonged to? A No sir.
Q You do not know much about the Creek Nation, do you? A No sir.
Q You do not know anything about the pay-rolls, or whether Cinda Bruner or any of her children are on the rolls? A No sir.
Q Do you know when the Dunn Creek Freedmen roll was made? A No sir.

BY MR. McRAE:

Q Now I understand you to say, Mr. Nivens that you first became acquainted with Cinda Bruner before the War? A Yes sir.
Q Were you and she living together as husband and wife during the war? A No sir.
Q Do you know where she was living at during the war? A No sir.
Q Where were you living? A Right there at the Point, Nivens' Ferry.
Q On the line of the Cherokee Nation A Yes sir.
Q Do you remember when the war closed? A Yes sir.
Q How long after the war closed was it before you seen Cinda Bruner, if you have seen her at all? A Seen her after it was closed.
Q Can you state how long? A I guess it was along about 30 years after it closed, I mean when she came home there.
Q Do you mean to say that it was as much as 30 years or more after the war before you saw Cinda Bruner? A Yes sir.
Q Did you know where she was of her own knowledge? A I could not tell that exactly, but she told me she was in the Creek Nation.
Q Was she a slave of John Nivens' wife or John Nivens' himself? A his wife.
Q And you state that she was a Creek citizen. A Yes sir.
Q Did you know her father? A No sir.
Q Did you know her mother A Yes sir.
Q What was her mother's name? A Judy.
Q Did you know any of her brothers and sisters? A No sir, only her.
Q Are you an admitted citizen of the Cherokee Nation. A Yes sir.

I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify upon oath that the above and foregoing is a full and complete transcript of my notes as same appear in my stenographic report of the case.

J Y Miller

Subscribed and sworn to before me this 23rd day of January, 1905.

Edward Merrick [illegible]

Notary Public.

Cr.Rm. 648.

Muskogee, Indian Territory, December 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Cinda Bruner, et al., as Creek Freedmen, including the decision of the Commissioner, dated December 1, 1906.

Respectfully,

Commissioner.

Through the Commissioner of Indian Affairs.

IM-239.

Cr.En. 548.

Muskogee, Indian Territory, December 5, 1906.

A. S. McKen,

Attorney At Law,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Cinda Bruner et al., as Creek Freedmen, denying said application.

The decision, together with the record of proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Acting Commissioner.

LM-936.

Cr.En. 848.

Muskogee, Indian Territory, December 5, 1906.

Cinda Brumer,

Clarksville, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of yourself , your daughter, Martha Gage and your grand-children, Strey Marshall and Addie Gage, as Creek Freedmen, denying said application.

The decision, together with the record of proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Acting Commissioner.

Register.
LM-238.

Cr.Mn. 548.

Muskogee, Indian Territory, December 8, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Cinda Bruner et al., as Creek Freedmen, denying said application.

The decision, together with the record of proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Acting Commissioner.

LM-238.

Cr. En. 548.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cinda Bruner, Martha Gage, Stroy Marshall and Addie Gage as Creek freedmen.

D E C I S I O N

The record in this case shows that on July 15, 1904 Cinda Bruner appeared before the Commission to the Five Civilized Tribes in Muskogee, Indian Territory, and made application for the enrollment of herself, her daughter Martha Gage and her grandchildren Stroy Marshall and Addie Gage as Creek freedmen. Further proceedings were had January 6, 1905.

The evidence shows that Cinda Bruner, the principal applicant, was fifty years of age as of July 15, 1904; that her name does not appear on the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867; that Martha Gage is the daughter of said Cinda Bruner, and Jim Bruner, a non-citizen; that Stroy Marshall is the illegitimate child of Martha Gage and though claim is made that the father of said child is Robert Marshall, a duly enrolled citizen of the Creek Nation, this claim is not conclusively established by the evidence; and that Addie Gage is the child of Martha Gage by Jim Gage, a non-citizen.

It does not appear from the evidence or from the records in the possession of this office that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

The Act of Congress approved April 26, 1906 (34 Stats., 137) provides in part as follows:

> "That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequentto the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commissioner that, in view of the provision of law above quoted and in view of the

approved opinion of the Assistant Attorney General for the Department under date of May 31, 1906 in the matter of the application for the enrollment of Frinsie Carruthers as a Creek freedman, said Cinda Brumer is not entitled to enrollment as a Creek freedman; that there is no authority of law for the enrollment of Martha Cage, Story Marshall and Addie Cage, or any of them, as Creek freedmen, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSIONER.

Muskogee, Indian Territory,

DEC 1 1906

JSJr.
TMB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 3456-1907.
D.C.10293-1907.

February 18, 1907.

LRS

Direct.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

December 5, 1906, the Acting Commissioner transmitted the record in the matter of the application for the enrolment of Cinda Bruner, Martha Gage, Stroy Marshall and Addie Gage as Creek freedmen, including your decision of December 1, 1906, denying said application.

Reporting February 14, 1907 (Land 107480-06), the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

Your decision is hereby affirmed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

1 inc. and 2 for Ind. Of.

AFMc
2-19-07.

Refer in reply to the following:
Land 107480-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

COPY

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Acting Commissioner to the Five Civilized Tribes, dated December 5, 1906, enclosing the record in the matter of the application of Cynda Bruner et al. for enrollment as Creek freedmen.

The principal applicant herein appeared before the Commissioner on July 15, 1905and made application for the enrollment of herself, Martha Gage, Stroy Marshall, and Addie Gage as Creek freedmen, and testimony was taken in support of her application. A further hearing was had on January 6, 1905. The testimony adduced shows that Cynda Bruner, the principal applicant, was about 50 years of age at the time of her first appearance in 1904. She never drew any money from the Creek Nation and her name does not appear on the Dunn roll.

Martha Gage is the daughter of Cynda Bruner and Jim Bruner, a non-citizen. Stroy Marshall is the illegitimate child of Martha Gage, and though claim is made that his reputed father is Robert Marshall, a duly enrolled citizen of the Creek Nation, this claim was not established conclusively by the evidence. Ad-

die Gage is the child of Martha Gage and Jim Gage, a non-citizen.

The evidence and the records in the possession of the Commissioner to the Five Civilized Tribes fail to show that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, or that any of them have been admitted to citizenship in that nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

Section 3 of the Act of April 26, 1906 (34 Stat. L. 137) provides that the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States, prior to March 14, 1867, and their descendants born since that roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of the Dunn roll, and their descendants born since such admission.

The Office is of the opinion that under this law, and in view of the opinion of the Assistant Attorney General for the Interior Department of May 31, 1906, in the matter of the application for the enrollment of Prissie Carruthers as a Creek freedman, that the decision of the Commissioner rejecting the application of Cynda Bruner is correct; also that there is no authority for the enrollment of Martha Gage, Stroy Marshall, and

Addie Gage as Creek freedmen, claiming through Cinda Bruner, is also correct, and it is therefore respectfully recommended that the decision be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWB-SD

JWH

Cr.En.548

Muskogee, Indian Territory, March 4, 1907.

A. S. McKen,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that under date of February 18, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the alleged application for the enrollment of Cinda Brunner, Martha Gage, Story Marshall and Addie Gage as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

JWM

Cr.En.548

Muskogee, Indian Territory, March 4, 1907.

Martha Guage,

Clarksville, Indian Territory.

Dear Madam :--

You are hereby advised that under date of February 18, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the alleged application for the enrollment of yourself and children as citizens by blood of the Creek Nation.

Respectfully,

Commissioner.

JWE

Cr.Rm.548

Muskogee, Indian Territory, March 4, 1907.

Minnie Brunner,

Clarksville, Indian Territory.

Dear Madam :--

You are hereby advised that under date of February 18, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the alleged application for your enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

CR EN 549

CR EN 549

COPY.

B. A. 169

Muskogee, Indian Territory, November 21, 1903.

Rebecca Walker,

Muskogee, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Tamah Walker, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JULY 18, 1904.

In the matter of the application for the enrollment of Tamah Walker as a Creek Freedman.

Rebecca Walker being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Rebecca Walker.
Q How old are you? A I am thirty the thirtieth of this month.
Q What is your post office address? A Muskogee, I.T.
Q Are you a citizen of the Creek Nation? A Yes sir.

Records of the Commission examined and it appears that Rebecca Walker is listed for enrollment on Creek Freedman Card Field No.796, and that her name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, Roll No. 3080.

Q Do you make application for the enrollment of Tamah Walker as a Creek Freedman? A Yes sir.

Q is she living? A Yes sir.
Q When was she born? A April 27, 1902-- no-- 1901; it is not 1902.; was three years old the 27th of this last April;I get it mixed up sometime.
Q Have you any children older than this one? A No sir, I haven't.
Q Did you ever have any children older than this one? A No sir, I have had one younger than this one.
Q What was this child's name? A It is not living; it was not old enough to be named.
Q When was that child born? A This last February a year ago.
Q How old was Tamah when that child was born? A I don't know just exactly how old she was;it was last February a year ago.
Q Do you live here in Muskogee? A Yes sir.
Q What is the name of the father of the child? A Jim Walker.
Q ?Is he a citizen of the Creek Nation? A No sir.
Q How long have you been married? A Ten years last September.

Mollie Dixon being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mollie Dixon.
Q How old are you? A Twenty-six.
Q What is your post office address? A Muskogee.

Q Are you a citizen of the Creek Nation? A No sir, I am a Cherokee.
Q Do you know Rebecca Walker? A Yes sir.
Q How long have you known her? A About 6 years I guess.
Q Do you know a child of hers named Tamah? A Yes sir,
Q Do you know when that child was born? A Yes sir, I was living with her when it was born
Q Do you know the date? A Yes sir, she was born the 27th I think it was the 27th, if I make no mistake-- April 27th I think.
Q How old is that child now? A About 3 or 4 years old; she was born in '91 I think.
Q '91, that makes thirteen. A She is three years old.
Q Is she three years old past, or three years old next April? A She is three years old past.
Q Were you present when the child was born? A Yes sir. I have lived with her for three or four years.
Q Are you married? A Yes sir
Q Got any children? A No sir.
Q None living and none dead? A I have one living.
Q How old is that child? A She is 11 years old.
Q Are you positive that this child was three years old last April?
A Yes sir, she is a great big child.

Fanny Tucker being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Fanny Tucker.
Q How old are you? A I am about 30.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know Rebecca Walker? A Yes sir.
Q How long have you known her? A Quite a while.
Q A year? A For years.
Q Five years? A Longer than that.
Q Do you know a child of hers named Tamah? A Yes sir.
Q Do you know when that child was born? A Yes sir; it was born in the Spring; in April; I don't know what day it was; I don't know whether it was the last or the first of the month, but it was in April.
Q Were you about the house when the child was born? A Yes sir; it was brn that night and I left next morning.
Q Where did you go? A I went to Texas.
Q How long did you stay in Texas? A I think I was there about three years. I stayed there; I was backwards and forwards; I worked there.
Q How long did you stay there when you went there three years ago?
A I didn't keep count of how long I stayed there; I guess it was about three years.
Q How long have you been back? A I have been back now about three months, I think; maybe a little longer.
Q And you stayed down in Texas three years? A Yes sir, I think so; I came back here several times during that time.
Q You are positive the child was born in April? A Yes sir, I know it was, in April but I don't know whether it was the last or the first; I know it was Spring.
Q Was the child three years old last April or will it be three years old next April? A It is three years old and past; she would be three years old, wouldn't she?
Q I want to know what you know about it. A I wasn't keeping her.
Q And you went down to Texas in what month? A In the same month she was born; in April; went the next morning.
Q Are you certain you stayed there three ye rs? A Yes, I think so.

Henry G. Hains being sworn on his oath states that as stenographer to

the Commission to the Five Civilized Tribes he reported the above case and that this isma full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 29th day of July, 1904.

Charles Kasanyed

Notary Public.

En. 849
E.C.E.
99.13

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Tamah Walker as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on July 18, 1904, Rebecca Walker appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Tamah Walker, as a Creek Freedman.

The evidence shows that said Tamah Walker is the minor child of Rebecca Walker, whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 3080; that said Tamah Walker was born prior to May 25, 1901 and living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Tamah Walker should be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress, June 30, 1902 (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,
INDIAN TERRITORY
FEB 21 1905

No. 549.

Muskogee, Indian Territory, August 6, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

July 18, 1904, Rebecca Walker appeared before the Commission and made application for the enrollment of her minor child, Tamah Walker, as a Creek Freedman. A copy of the testimony is inclosed.

The Creek Nation will be allowed a reasonable time within which to introduce evidence in the case, if it so desires.

Respectfully,

Commissioner in Charge.

WGH-2-6-6

Cr An 549

Muskogee, Indian Territory, February 24, 1905.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Tamah Walker as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Tamah Walker will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYH-24-36.

En .849.

Muskogee, Indian Territory, June 8, 1905.

Rebecca Walker,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Tamah Walker is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior May 23, 1905, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Commissioner in Charge.

IN RE En 549

Application for Enrollment of

INFANT CHILD

Walker

as a citizen of the

Creek Nation.

Approved. 1900

Commissioner.

Filed Aug 29-1900

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Tamah Walker (Here insert name of child.), born on the 28 day of April, 1901
Name of Father: Jim Walker, a citizen of the United States Nation.
Name of Mother: Rebecca Walker, a citizen of the Creek Nation.
Post-Office: Muskogee, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Rebecca Walker, on oath state that I am 28 years of age and a citizen, by Adoption, of the Creek Nation; that I am the lawful wife of Jim Walker, who is a citizen, by ~~blood~~ ———, of the United States Nation, that a female (Male or female) child was born to me on the 28 day of April A. D. 1901; that said child has been named Tamah Walker, and is now living.

Rebecca Walker.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 29 day of August 1902.

My Com. Ex. July 1-1906. Harry L. Davis. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Elsie Sewell, a Midwife, on oath state that I attended on Mrs. Rebecca (Jim) Walker, wife of Jim Walker, on the 28 day of April A.D. 1901; that there was born to her on said date a female (Male or female) child; that said child is now living and is said to have been named Tamah Walker.

Elsie Sewell

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 22 day of August A.D. 1902

My Com. Ex. July 1-, 1906. Harry L. Davis. Notary Public.

50

IN RE

Application for Enrollment of

INFANT CHILD

.....

as a citizen of

.....Nation.

Approved.....190.....

.....

Commissoner.

BIRTH AFFIDAVIT. 80

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Application for Enrollment, as a citizen of the Creek Nation,
of Tamah Walker (Here insert name of child), born on the 22 day of April, 1901
Name of Father: James Walker, a citizen of the U.S. Nation.
Name of Mother: Rebecca Walker, a citizen of the Creek Nation.
Post-office Muskogee, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
Western INDIAN TERRITORY. } District.

I, Rebecca Walker, on oath state that I am 30 years of age and a citizen, by adoption, of the Creek Nation; that I am the lawful wife of James Walker, who is a citizen, by ....., of the U.S. Nation; that a female (Male or female) child was born to me on 22 day of April, 1901; that said child has been named Tamah Walker, and is now living.

Rebecca Walker.

WITNESSES TO MARK:

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 18 day of July, 1901.

Charles W. Sawyer
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, }
Western INDIAN TERRITORY. } District.

I, Mollie Dixon, a ....., on oath state that I attended on Mrs. Rebecca Walker, wife of James Walker, on the 22 day of April, 1901, that there was born to her on said date a female (MALE OR FEMALE) child; that said child is now living and is said to have been named Tamah Walker

WITNESSES TO MARK:

Mollie Dixon

(Must be Two Witnesses.) }

Subscribed and sworn to before me this 18th day of July, 1901.

Charles W. Sawyer
NOTARY PUBLIC.

CR EN 550

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JULY 18, 1904.

In the matter of the application for the enrollment of Sam Stidham, Ann e Valentine, Jane Stidham and William Stidham, deceased, as Creek Freedmen.

APPEARANCES: M.L.Mott, attorney for Creek Nation.

Sam Stidham being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sam Stidham.
Q How old are you? A I don't know; something like 40 I Reckon.
Q What is your post office address? A Boynton now.
Q Is that in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A Off and on.
Q How long have you been here this last time? A I came here in 1896.
Q Where did u live before you came here in 1896? A I went from here to Kansas.
Q How long did you live in Kansas? A I went from here a little after the Dunn payment and stayed and come back here in 1896; I was born here.
Q Did you ever draw any money in the Creek Nation? A My father drew for me; I didn't myself.
Q What town in the Creek Nation do you claim to belong to? A I don't know exactly but I think it is Arkansas town.
Q What is the name of your father? A Sampson Stidham.
Q Living or dead? A Dead.
Q How long has he been dead? A I don't know.
Q Don't you have some idea how long he has been dead? A No sir, he is dead since I went away.
Q What is the name of your mother? A Easy Stidham.
Q How long has she been dead? A I don't know how long;she died after I left here.
Q Got any brothers and sisters? A Yes sir.
Q What are their names? A I have got a brother named Sampson and one named Jim; and sisters, Amy and Clara; I do 't know whether they are dead or living, I haven't struck them yet.
Q Were they full brothers and sisters of yours? A I don't think they are.
Q Well, are they of the same mother? A Yes sir.
Q Was your brother Sampson ever called by any other name? A It might be Sampson Perryman; I don't know;during slavery time they changed names.
Q Whom did Sampson belong to? A Stidham.
Q He had the same mother as you had? A Yes sir.
Q Were you ever called by any other name except Sam Stidham? A No sir.
Q That's the only name you ever went by? A Yes sir;I don't recollect ever being called any other name,anything else.
Q Is that all the children your mother had? A That's all I can recollect of now;if she had any more I don't recollect.
Q Did she have a child named Robert? A I don't recollect;they sometimes called me Robert;they would say Sam and sometimes they would say Bob.
Q What was the reason for that? A I don't know.
Q Who called you that? A Some of my folks would just say Bob-or my

But my name is Sam.
Q Have you been living in the Creek Nation ever since 1906? A Yes sir, most of the time.
Q Where have you been during that time you were not in the Creek Nation?
A In Kansas.
Q How long did you stay in Kansas? A I can't say.
Q Well, was it a month or a year? A Well, I stayed about a half a year I reckon.
Q When was that- that you went up there and spent that half year?
A I believe it was Spring before last or summer before last.
Q Spring before last? A Yes sir.
Q Have you settled down on a place here in the Creek Nation ? A No sir.
QWhat are you doing at Boynton? A Not much of anything;running a hotel there.
Q How long have you been running a hotel? A Last summer.
Q You have your family here, have you? A Yes sir.
Q Does your married daughter, Annie, live with you? A Why, all of them is in Creek Nation- all but Annie; she's down at Crawfordsville, Arkansas.
Q How long has she been in Arkansas? A Went down there last Spring or last Fall.
Q Did she,marry a man that lives in Arkansas? A Yes sir.
Q Where did she marry him? A Here.
Q Did he come here to marry her? A Yes sir.
Q He was living in Arkansa but married here? A Yes sir.
Q And she has been living there ever since she married him? A Yes sir.
Q Which one of your borhthers is oldest? A I think Sampson is the oldest one of all.
Q Do you know whether he is living or dead? A No sir.
Q Do you know whether any of your brothers and sisters are living?
A No sir I don't know.
Q You haven't heard since you came back? A No sir.
Q Do you know anyone who knew you and your family when the Dunn Roll was made? A This man here.
Q He says he don't know your mother. A Well, I don't know anybody else.

William Peter being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A William Peter.
Q What is your post office address? A Lee.
Q How,old are you? A I call myself about 68 I think.
Q Do you know Sam Stidham? A I saw him once directly after the Dunn roll here.
Q I asked you if you know Sam Stidham? A I know him personally now; I get acquainted with him two years ago- maybe three, at Boynton; he was recognized by Isparhecher when we was with the Commission at Okmulgee.
Q What did Isparhecher say about him? A He didn't say anything; just recommended him- that's about all.
Q About the time the Dunn roll was made you new a boy named Sam Stidham did you? Do I understand you to say that? A No; no; you made a mistake; I say after the Dunn payment- the $17.30, I saw this man that claimed he was Sam Stidham and I never saw him any more till Isparhecher recommended him to the Commission.
Q You mean Isparhecher wrote a letter? A That's all.
Q All he told him if he wanted to establish his right, the Colbert Commission was the place to go; he didn't recommend him at all. A That's

right.
Q You don't know then whether this man's name is on the Dawes rolls or not? A No sir.
Q How long has it been since you first saw him? A Well, its been after the Dawes Roll payments,its been about past thirty years.
Q Did you see him about the time of the Dawes payment? A About the payment, but not the rolls.
Q Was he a grown man then or a boy? A It seems to me he was a boy.
Q Do you know whether this is the same man or not? A I can't tell you if this is the same.

Applicant recalled:

Q There is a man by the name of Sampson Brown lives somewhere near Leo; do you know him? A Yes sir.
Q Is Sampson Brown any kin to you? A I never had very much talk with him;he looks like some of my people.
Q Do you know Amy Wilson? A No sir.

An examination of the rolls of the Creek Nation is not entered into at this time and the applicant is advised that it will be necessary for him to introduce further proof in the case,further evidence in the case.

Q Why is it you have waited so long to make application for enrollment?
A Why, they was putting the citizens off.
Q Who? A The Commission here and the courts of the Nation.
Q The Courts of the nation didn't have anything to do with it for a long time. A Well, I don't know.
Q When you started to go before the Gelbert Commission you was not recognized as a citizen of the Creek Nation, were you? A I think so.
Q What were you going to the Gelbert Commission for then? A I thought I was put off and I wanted to find out.
Q You have never drawn any money yourself from the Creek Nation? A No sir.
Q Nor have drawn for any of your children? A No sir.

Henry C. Hains being sworn being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Hains.

Subscribed and sworn to before me this 29th day of July, 1904.

Charles H. Sawyer

Notary Public.

En. 350.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 15, 1904.

In the matter of the application for the enrollment of Sam Stidham et al., as Creek Freedmen.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

John Rentie, being duly sworn, testified as follows:

By Commission:
Q What is your name? A John Rentie.
Q What is your age? A About 67.
Q What is your post office address? A Lee.
Q Do you know Sam Stidham? A Know Rob Stidham.
Q I asked you if you know Sam Stidham? A I don't know whether I know him or not but I know Robert.
Q Do you know this man here? (pointing to the applicant)? A Seen him about fifteen years ago.
Q Where did you see him? A In the Creek Nation.
Q Where has he been living since that time? A I aint seen him since he was small.
Q Has he been living in the Creek Nation for the last fifteen years? A I don't know. When I seen him that time he lived here in Muskogee and moved off.
Q Did you know this man when he was a child? A No, sir. Not when he was a child.
Q Is fifteen years ago the first time you ever knew him? A No, sir
Q When was it you first knew him? A He was about ten or twelve years old.
Q Where was he then? A In the Creek Nation.
Q Did you know his mother? A Yes, sir.
Q What was the name of his mother? A Nasy------must be Stidham---used to belong to Mose Perryman.
Q Do you know that this is the same man that you knew when he was a boy and the son of Nasy? A I can't tell that he is the same man but when I seen him he said he was the same man.
Q You don't know then that this is the same man that was Nasy's boy of your own knowledge? A No, sir.
Q You just know what he claims? A Yes, sir.
Q Did that boy that you know then have any brothers? A Yes, sir.
Q What are their names? A Sampson and Jim.
Q Are they living now? A I believe they are.
Q Are they living near you? A Not quite. I think Jim lives across the river.
Q Where does Sampson live? A About ten miles from me.
Q You know him do you now? A Yes, sir.
Q What name does Sampson go by now? A Sampson Brown.

The applicant is present and he is advised that it will be necessary for him to have before the Commission Sampson Brown and Jim Samuels to testify in this case.

---oooOOOooo---

I, Brennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Brennan C Skaggs.

Subscribed and sworn to before me this 26th day of August, 1904.

Edward Merrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. AUGUST 29, 1904.

En. 830

In the matter of the application for the enrollment of Sam Stidham, et al., as citizens of the Creek Nation.

Sampson Brown being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Sampson Brown.
Q How old are you? A I don't know; I am over 50.
Q What is your post office address? A Boynton.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Is your name on the Dunn Roll? A Yes sir.
Q Do you know Sam Stidham? A My name was on the Dunn Roll as Sam Stidham.
Q Do you know this applicant here? A I will tell you how I know him; Billy Jones told me they had a brother down at Eufaula that had beenmarried off and told me that Billy Jones was related and I t old him that Billy Jones was first cousin to me.
Q When did you first see this applicant here who says his name is Sam Stidham? A At Boynton sometime last year, I think.
Q Had you ever seen him before that? A No sir.
Q That was the first time you ever saw him? A Yes sir.
Q Did he tell you at that time he was your brother? A After I got talking I found he was by old man Jones; when I found he was he went.
Q You only know of this man being your brother by what he says? A Yes. By what Billy Jones said.
Q You didn't know this man here when he was a child? A No sir;but I know they said he had a brother that was taken off.
Q When did they say he was taken off? A Before I came to my remembrance.
Q Do you remember the war? A I was a little fellow then.
Q Do you remember anything about it? A Yes sir; I can remember when I went to Kansas when I was about 9 years old;I went the next year after the Indians went out; Gouge-- I didn't stay with my people.
Q Did this man claim to be the son of your mother or father? A My father; I am claiming.
Q Does this applicant claim he and you have the same mother or father? A Same father I guess I claim him for;the boy that went off was different mothers.
Q Was that boy who went off older or younger than you? A I don't know; you see he was from another woman.
Q What was that other woman's name? A I don't know;I can't tell you; I didn't know till afterwards.
Q What was your mother's name? A Easy.
Q Give me the names of her other children? A Chloe and Betsy;I don't know whether she is on the Dunn Roll or not;She was dead when I growed; Jim, Robert and Sam and Rose.
Q That was her children, was it? A Yes sir.
Q Did your mother have a child named Robert? A Yes sir; they changed up names so much in putting down on the Dunn Roll.

Q That child of your mother's named Robert is not this applicant here? This applicant here is not your mother's child, is he? A No sir, this can't be my mother's child.
Q And your mother had a child named Robert, did she? A Yes sir.
Q That's not this man? A No sir.
Q Did this man here, who calls himself Sam Stidham- did he ever live in your mother's family since you knew him? A I never knew this man till last year; never learned his name.
Q Was the man he says was his father a Creek by blood or a Creek Freedman? A He was a Creek; mixed.
Q Did you ever know the woman he says was his mother? A No sir.
Q Did your mother have a child named Amy? A Yes, she is living down on Elk Creek now.
Q Have one named Rose? A Yes sir.
Q Have one named Sampson, that's you? A Yes sir.
Q And she had one named Robert? A That's right.
Q This man here, from what he says is your half brother, is he? A Yes sir.
Q Same father and different mothers? A Yes sir.
Q What is the name of your father? A Sam.

Sam Stidham being duly sworn, testified as follows:
Q What is your name? A Sam Stidham.
Q What is the name of your father? A Sam Stidham.
Q What is the name of your mother? A Easy.
Q Is that the same woman, now, he says is his mother? A I suppose it is; I don't know.
Q He says, from his conversation with you, you are half brother's and not full brothers. A I don't know anything about that.
Q You are not full brothers; I can tell that from looking at you.
A I don't know; I only know the names of my people.
Q Did you live in the family of Easy Stidham when you were a child?
A Yes sir.
Q He says you didn't? A He wasn't there.

Sampson Brown being recalled, testified as follows:

Q How long were you with your mother's family? A My owner? My owner's son took me up the river.
Q About how old were you? A I can't tell you.
Q Can you remember? A I can remember a little.
Q This brother of yours named Robert is dead, is he? A Yes sir, he was killed.
Q You had a brother named Robert who was killed? A Yes sir.
Q And he was a son of Easy? A Yes sir.
Q You never heard of this applicant here until last year? A I heard of him that he was sent off when he was little, and then about 9 years ago Billy Jones told me there was one down to Eufaula- the old man's son.
Q He didn't say that it was your mother's son? A No;he never told me nothing about the mother's son; you see Billy Jones and me was kin on my father's side.
Q Has it always been your understanding that you had a half brother that was gone away? A Yes sir.
Q That he was the son of your father and not of your mother? A Yes sir.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines.

Subscribed and sworn to before me this 4th day of October, 1904.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. AUGUST 29, 1904.

In the matter of the application for the enrollment of Henry Carter as a Creek Freedman.

Henry Carter being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Henry Carter.
Q How old are you? A Twenty-six.
Q What is your post office address? A Boynton.
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.
Q Did you ever drawn any money from the Creek Nation? A No sir.
Q What is the name of your father? A Sam Stidham, is what he calls himself on the roll.
Q Has he got any other name? A His name is Sam Carter.
Q Have you always known him by the name of Sam Carter? A Yes sir.
Q Never knew him by any other name? A No sir.
Q That is this man here (Pointing to man who applied as Sam Stidham)? A Yes sir.
Q What is the name of your mother? A Judie Carter.
Q Were she and Sam married? A Yes sir.
Q Is she living? A Yes sir.
Q Do you claim that she has any rights in the Creek Nation? A Well, she wasn't enrolled.
Q Does she claim that she has any rights? A No sir.
Q She is a state woman, is she? A Yes sir.
Q You claim the right to enrollment through your father? A Yes sir.
Q That's the only way you claim-- through your father? A Yes sir.

In the matter of the application for the enrollment of Emma Warrior as a Creek Freedman.

Emma Warrior being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Emma Warrior.
Q How old are you? A 23.
Q What is your post office address? A Brush Mill.
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q How long have you lived in the Creek Nation? A I don't know; about 10 or 12 years I suppose.
Q You lived in the Creek Nation for the last 10 or 12 years? A Yes sir.
Q What is the name of your father? A Sam Carter.
Q Is he the man that calls himself Sam Stidham? A Yes sir.
Q Have you always known him by the name of Sam Carter? A Yes sir.
Q Never knew him by any other name? A No sir.
Q What is the name of your mother? A Julia Carter.
Q Do you claim she has any rights in the Creek Nation? A No sir.
Q State woman, is she? A Yes sir.
Q Id you have any rights it comes through your mother, does it? A Yes sir
Q And through him alone? A Yes sir.

In the matter of the application for the enrollment of Fred Carter as a Creek Freedman:

Fred Carter being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Fred Carter.
Q How old are you? A 23.
Q What is your post office address? A Boynton, Indian Territory.
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir
Q How long have you lived in the Creek Nation? A Along about 9 or 10 years.
Q All the time for the last ten years? A Off and on.
Q How long have you lived here the last time? A About 4 years.
Q Where were you before that? A Kansas.
Q How long did you live in Kansas? A All my life.
Q All your life up till about 4 years ago? A Till about 10 years ago; I have been running around.
Q What is the name of your father? A Sam Carter.
Q Did you ever know him by any other name except Sam Carter? A No sir
Q What is the name of your mother? A Julia Carter.
Q Do you claim she has any rights in the Creek Nation? A Not that she has established.
Q Do you claim she has any rights? A Yes, she claims part Indian.
Q Where were she and your father married? A Yes sir.
Q This was your sister that has just applied? A Yes sir.
Q Your full sister? A Yes sir.
Q Do you claim the right to enrollment through your father? A Yes sir.

In the matter of the application for the enrollment of Ralph Carter as a Creek Freedman.

Ralph Carter being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Ralph Carter.
Q How old are you? A 21.
Q What is your post office address? A Boynton.
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir
Q How long have you lived in the Creek Nation? A About 10 years.
Q What is the name of your father? A Sam Carter.
Q Have youalways known him by the name of Sam Carter? A Yes sir.
Q Never knew him by anymother name? A No sir.
Q What is the name of your mother? A Julia Carter.
Q Have you lived in your father's family all your life? A Yes sir.
Q You claim the right to enrollment through your father? A Yes sir.
Q Through him alone? A Yes sir.

Sam Stidham recalled:

Examination by the Commission:

Q When you appeared before the Commission on July 18, 1904, the following questions were asked you:

"Q Were you ever called by any other names except Sam Stidham?" You said " A No sir".
Now, were you ever called by any name except Sam Stidham? A Not by people here.
Q I am not asking you that: were you ever called by anybody? A Yes sir.
Q Why did you answer that question that way? A I didn't understand you.

Q Well, here's all of your children who come in and say they never knew you by any other name except Sam Carter. A Well, they didn't know me by any other name; I thought I told you I didn't go by that name now.
Q Then I went further and asked is that the only name you were ever known by" and you said "Yes sir; I don't recollect ever being called by any other name; anything else". A I don't know; I didn't understand you.
Q How old are you? A I suppose I am about 40.
Q You have a daughter here 25; how old were you when that daughter was born? A I don't know.
Q Well, can't you come somewhere near about it? You was a grown man, wasn't you? A I don't know how old I was; I might have been 15 or 16 years old.
Q Did you marry when you were 15 years old? A I think I was about 16 years old when I married; I don't know.

(It is ordered that these cases be consolidated with the case of Sam Stidham.)

The records of the proceedings of the Commission under the act of June 10, 1896 examined and it appears that Julia Carter made application for citizenship in the Creek Nation togethe with her children, Henry, Emma, Frank, Ralph, Julia, Sherman and James; this application was for citizenship by blood; that the application was denied by the Commission and that no appeal was taken from the decision then rendered.

Q When did you first hear that your name was Stidham? A When I was a child.
Q What was the occasion of your changing your name? A I lived with a man whose name was that and I just called after him and his name;
Q Was Easy Stidham a dark colored woman like her son, Sampson? A She was darker than him.
Q Darker? A Yes sir; I think so.

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 4th day of October, 1904.

Notary Public.

3993

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Creek Nn. 880

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 9, 1904.

Sam Stidham,

Boynton, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself and children as citizens of the Creek Nation, you are hereby notified that you will be allowed thirty days from date within which to submit further evidence in the case. If no further evidence be offered within the time indicated, you are advised that the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Register

Dn. 560. I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Sam Stidham, Henry Carter, Emma Warrior, Fred Carter and Ralph Carter as Creek Freedmen.

-: S U P P L E M E N T A L S T A T E M E N T :-

Tribal Rolls of the Creek Nation in the possession of the Commission examined and the applicants herein, or any of them, not identified on any of said Rolls.

Record of the proceedings of the Colbert Commission in the possession of this Commission examined and it does not appear that application was made to said Commission for the admission of the applicants herein, or any of them, to citizenship in the Creek Nation.

Records of the proceedings of this Commission under authority of the act of Congress of June 10, 1896, examined and it does not appear that application was made to said Commission for the admission of Sam Stidham and Fred Carter, or either of them, to citizenship in said Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner.

Muskogee, Indian Territory,

January 27, 1905.

A-20

Creek Nm. 880.

Muskogee, Indian Territory, April 28, 1906.

M. L. Mott,
Attorney for Creek Nation.
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the applications for enrollment of Sam Stidham, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

EKP-1-23-7.

D.M.

Creek En. 339.

Muskogee, Indian Territory, April 28, 1906.

Ralph Carter,

Boynton, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

ZEP-4-28-6.

Creek No. 848.

Muskogee, Indian Territory, April 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the applications for the enrollment of Sam Stidham, et al., as Creek Freedmen, including the decision of the Commission, dated April 20, 1906.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

XEP-4-25-6.

L. L.

Creek Enr. 880.

Muskogee, Indian Territory, April 25, 1905.

Sam Stidham,

Boynton, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

EMP-25-4-2.

Creek En. 880.

Muskogee, Indian Territory, April 25, 1903.

Henry Carter,

Boynton, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

ZEP-4-25-3.

Creek En. 588.

Muskogee, Indian Territory, April 25, 1905.

Emma Warrior,

Brush Hill, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

ZEP-4-25-4.

L. D.

Creek En. 880.

Muskogee, Indian Territory, April 25, 1905.

Fred Carter,

Boynton, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

EKP-4-25-5.

W.C.F.

DEPARTMENT OF THE INTERIOR,
Washington, June 18, 1906

I.T.D. 5710-1905
L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

April 25, 1905, you transmitted the record in the matter of the applications for the enrollment of Sam Stidham, Emma Warrior, Henry, Fred and Ralph Carter, as Creek Freedmen, including your decision of April 20, 1905, rejecting the applicants.

Reporting May 16, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision, in so far as it rejects the applicants, is hereby affirmed.

Respectfully,
E.A.Hitchcock
Secretary

1 inclosure.

Refer in reply to the following:
Land
32084-1905

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, May 16, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 25, 1905, transmitting the record of the application for enrollment as Creek Freedmen by Sam Stidham, Emma Warrior, Henry, Fred and Ralph Carter.

April 20, 1905, the Commission decided adversely to all the applicants.

The record shows that Emma Warrior, Henry, Fred and Ralph Carter are the adult children of Sam Stidham and Julia Carter; that Stidham was forty years old at the date of the application and is not identified on the Dunn roll and the other applicants are not the descendants of a person whose name appears on that roll.

It does not appear that any of the applicants have ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner

M.M.M.(W)

Cr.En.559.

Muskogee, Indian Territory, June 28,1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior under date of June 15,1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Sam Stidham, et al., as Creek Freedmen.

Respectfully,

Chairman.

Cr.Rn.300.

Muskogee, Indian Territory, June 26,1905.

Henry Carter,

Boynton, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 15,1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Cr.En.660.

Muskogee, Indian Territory, June 28,1905.

Emma Warrior,

Brushhill, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 15,1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Gr .En.560.

Muskogee, Indian Territory, June 28,1906.

Frank Carter,

Boynton, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 15,1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Cr.Bn.880.

Muskogee, Indian Territory, June 25,1906.

Ralph Carter,

Boynton, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 15,1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Cr.No.[illegible]

Muskogee, Indian Territory, June 28,1906.

Sam Stidham,

Boynton, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of June 15,1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of yourself, as a Creek Freedman.

Respectfully,

Chairman.

No. 880. I.T.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Sam Stidham, Henry Carter, Emma Warrier, Fred Carter and Ralph Carter as Creek Freedmen.

-:DECISION:-

The record in this case shows that on July 18, 1904, Sam Stidham appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had August 18, and August 29, 1904.

It further appears from the record that on August 29, 1904, Henry Carter, Emma Warrier, Fred Carter and Ralph Carter appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as Creek Freedmen, and that their cases were consolidated with the case of Sam Stidham.

It appearing from the evidence that application was made to this Commission for admission to citizenship by blood in the Creek Nation of the applicants Henry Carter, Emma Warrier, and Ralph Carter, which said application was denied by the Commission and no appeal taken therefrom, this case is treated as an application for enrollment as citizens by blood, and also as Creek Freedmen.

The evidence shows that none of the applicants are full blood Creek Indians.

The evidence further shows that said Henry Carter, Emma Warrier, Fred Carter and Ralph Carter are the adult children of Julia Carter, and said Sam Stidham, the principal applicant herein; that said Sam Stidham was forty years old at the date of the application herein, that he is not identified on the Roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1867, and that no claim is made that Henry Carter, Emma Warrier, Fred Carter and Ralph Carter, or any of them, are the descendants of a person whose name appears on said Dunn Roll through their said mother, Julia Carter.

It does not appear from the evidence that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor have they, or any of them, ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of this Commission that there is no authority of law for the enrollment of said Sam Stidham, Henry Barker, [illegible], [illegible] and Ralph Barker, or any of them, as citizens of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

____________________ Chairman.

____________________ Commissioner.

____________________ Commissioner.

Muskogee, Indian Territory,
APR 20 1905

CR EU 551

CR EU 551

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JULY 19, 1901.

In the matter of the application for the enrollment of Lewis Manuel as a Creek freedman.

APPEARANCE: M. L. Mott, attorney for Creek Nation.
W.D.Mirod, attorney for applicant.

Lewis Manuel being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Lewis Manuel.
Q What is your age? A About 57 years old.
Q What is your post office address? A Okmulgee.
Q Do you make application to be enrolled as a Creek freedman? A Yes sir
Q To what town in the Creek Nation do you claim to belong? A I claim to be long to the Canadian town.
Q How long have you lived in the Creek Nation? A I was bred and born here.
Q How long have you lived here? A I have lived here all the time until I was a soldier.
Q You was a soldier during the Civil War? A Yes sir.
Q You lived here all the time until you enlisted as a soldier? AYes sir
Q How long were you a soldier? A Two years and six months.
Q? Did you come back to the Creek Nation as soon as you quit the army? A As soon as I was mustered out at Leavenworth I come right back here again.
Q When was that? A In '66.
Q Been here ever since? A Been here ever since; never have quit the country.
Q Did you ever draw any money from the Creek Nation? A Yes sir.
Q How much did you draw? A I drawed the bread money; I can't tell you; I drawed the money all the time until that $14 payment, sir.
Q What is the reason you didn't get that? A I don't know; I was knocked out of it some way; they said they made a mistake about it some way; made out they couldn't find my name.
Q Did you get the $29? A I got the $29.
Q For Canadian town? A Yes sir.
Q Were you ever called by any other name? A No other name.
Q I thought you said you were called by the name of Lewis Bruner? A Bruner sometimes.
Q Anything else besides Lewis Bruner and Lewis Manuel? A No sir.
Q Have you any brothers and sisters living? A I have two brothers living.
Q What are their names? A George and Hardy Manuel.
Q What is the name of your father? A Manuel Bruner.
Q What is the name of your mother? A Kitty.
Q Were you a slave? A Yes sir.
Q What was the name of your owner? A Joe Bruner.
Q Is your name on the Dunn roll? A I don't know sir whether it is or not the time Major Dunn paid off I was laying on Little River; had the pneumony; pretty bad off, sir.
Q Did you get the $29? A Yes sir.
Q You got that, did you? A Yessir.

Q Is George living? A Yes sir.
Q Has he been enrolled by the Commission? A Yes sir.
Q Got his land? A Yes sir.
Q Are you married? A Yes sir.
Q Got any children? A Got a wife and one child and lost two about two years ago, sir.
Q Is your wife a citizen? A No sir.
Q Are your children grown? A The boy is mighty near grown.
Q Did you draw money for him too, the $29? A Yes sir.
Q What is his name? A Tommie.
Q Is your present wife the mother of this child? A Yes sir.
Q She is the mother of all your children? A Yes sir.
Q What are the names of your children? A One named Tommie; and the other ones died named Lena and Levi.
Q Did you draw money for all these children? A Yes I did sir.
Q Did they live with you? A Yes sir, lived right with me sir.
Q How old is that boy? A Fifteen years old.
Q You say you have no other children living? A No sir, that's the only one; I told you I had a boy and girl that died two years ago.
Q What are their names? A Lena and Levi.
Q How old was Lena when she died? A Five years old.
Q How old was Levi? A Six years old.
Q You say you drew money for these two children that are dead? A Yes sir.
Q According to what you state they were not born yet. A I told you they died about four years ago sir.
Q You said about two years ago. A I made a mistake but that's plain enough.
Q Did you draw the $1 4? A No sir, I told you I never drawed it.

The 1890 authenticated tribal roll of the Creek Nation and the 1891 omitted roll of the Creek Nation examined and none of the applicants identified thereon.

Q You and Nardy Manuel didn't have the same owner? A No sir.
Q Was your mother living after the war? A Yes sir.
Q What was her name? A Kitty.
Q Whom did she belong to? A Joe Bruner.
Q And your father's name was Manuel Bruner? A Yes sir.
Q Was he living after the war? A No sir, he died time of the war.

The Dunn roll examined and the principal applicant not identified thereon.

Q Do you remember who was the town king when you drew that $29?
A Yes sir, I recollect good.
Q Who was it? A Henry Reed.
Q Did you draw that money or did Henry Reed draw it? A Henry Reed drawed that money and sent it to me by a fellow I told you by the name of Bully Conner; I told you that when I was up here before; he is dead now; was in the army with me.

William Peter being duly sworn testified as follows:

Examination by the Commission:

Q Give your name, age and post office address? A William Peter; Lee; about 66.
Q You are a citizen of the Creek Nation are you? A Yes sir.
Q Do you know Lewis Manuel? A I know him when I see him.
Q How long have you known him? A For about 15 or 20 years.

Q You didn't know him before that? A No sir.
Q Maybe been living in the Creek nation ever since you knew him? A Yes sir.
Q Do you know anything about where he came from or anything of that kind? A No sir, I don't know; I just thought he was a citizen.
Q Do you know whether he drew the $29 or not? A No sir; I know all the people he claimed his relations.

Examination by W. D. Elrod:

Q Do you know Hardy Manuel? A Yes sir.
Q I will ask yo further if you know they are brthers. A I know from what they say that they are brothers.

By the Commission:

Q From what who says? A From what he says.
Q Is that what Hardy Manuel says? I never heard Hardy Manuel say so; I heard him say so.

Tobe McIntosh being sworn testified as follows:

Examination by the Commission:

Q Give your name, age and post office address. A Tobe McIntosh; I don't know my correct age; I may give it in different ways.
Q About? A Some way along about 70.
Q What is your post office address? A Muskogee.
Q Do you know Lewis Manuel? A Yes sir.
Q How long have you known him? A About 20 odd years.
Q Where has he been since you knew him; where has he been living? A Well, he been living at Okmulgee; in the first place he lived at Canadian.
Q He has been living in the Creek Nation? A Yes sir; all the time since I know him.
Q You don't know anything about him before about 20 years ago? A About thirty? I don't remember that.
Q You have known him as much as 20 years? A Yes sir.
Q You don't know anything about him when the Dunn roll was made? A No sir.
Q As I understand him you your acquaintance don't go back that far? A No sir.
Q Do you know whether he ever drew any money from the Creek Nation? A I don't remember.
Q Do you know who his relatives are in the Creek Nation? A Well, all these Bruners; he is kin folks to all these Bruners; Elsie Bruner and Dick Bruner.
Q Do you know Hardy Manuel? A Yes sir.
Q Do you know whether he is any kin to this man or not? A Yes sir.
Q What kin is he? A I think he is---- I most forgot, but I don't know; I will just tell you I don't know; I will just leave that out.

The records of the Commission show that Hardy Manuel is listed for enrollment on Creek ~~Indian~~ card Field No. 1242, approved roll No. 4322 Freedman

Applicant will be allowed a reasonable time in which to introduce additional evidence in this case.

On July 20th this case was continued:

Supplemental testimony of H.C.Reed:

Examination by the Commission:

Q Give your name, age, and post office address? A Lee, Indian Territory; about 63; H.C.Reed.
Q Do you know a man who calls himself Lewis Bruner or Lewis Manuel?
A Yes sir.
Q How long have you known him? A About 15 or 16 years.
Q Do you know about how long he has been living in the Creek Nation?
A Must be about 20 years.
Q Do you know where he is from? A No sir, I know what he said he was from the Choctaw Nation.
Q He told you he was from the Choctaw Nation? A That's all I know.
Q You were town king of Canadian town in 1890? At the $29 payment?
A Yes sir, I was.
Q Did you draw any money for this man, Lewis Bruner or Lewis Manuel, and afterwards send it to him? A No sir his name is not on the list of Canadian town.
Q He wasn't paid any money at that time? A No sir.
Q You was familiar at that time with the members of your town? You knew the members of your town? A Yes sir; I am familiar with all of them; particularly the older ones.
Q And you was at the time of the $29 payment? A Yes sir.
Q Has that man been recognized as a member of your town? A No sir.
Q You have held several official positions in the Creek Nation, haven't you? A Yes sir.
Q Name them. A I was member of the Creek council- town king; member of the House of Kings and House of Warriors;have been district judge.
Q Have you been district judge? A I have been district judge for eight years and I was appointed as a Commissioner before the Dawes Commission.
Q At that time I understand you to say he was not recognized? A He was not recognized at any time to my knowledge as a citizen of the Creek Nation; I knew that he wasn't recognized as a citizen of Canadian town.
Q Do you know whether he was a slave or not? A No sir; made his acquaintance way after the war.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony July 19 and 20, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 29 day of July, 1904.

Charles D. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T. JULY 22, 1904.

In the matter of the application for the enrollment of Lewis Manuel as a Creek Freedman.

APPEARANCES: M.L.Mott, Attorney for Creek Nation.
Mr. Wirod, Attorney for applicant.

David Berryhill being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A David Berryhill.
Q How old are you? A 56; 57 next month.
Q What is your post office address? A Okmulgee.
Q Do you know Lewis Manuel? A Yes sir.
Q How long have you known him? A From my boyhood.
Q You are a citizen of the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A I was born and raised here.
Q Lived here all your life? A Not during the war; I was up in Kansas.
Q You lived here except part of the time during the war? AYes sir.
Q How long did you say you had known Lewis Manuel? A I can't say for certain; I have known him ever since my boyhood.
Q Did you know him before the war? A Yes sir.
Q Did he ever go by any other name? A Well, they called him Lewis Bruner. That's the only name I know of.
Q Did they ever call him Sam? A Not that I know of.
Q Was he the slave of a Creek citizen? A Yes sir.
Q Who was his owner? A I don't recollect the name-----Joe Bruner it was.
Q To what town in the Creek Nation do you belong? A Tuckabatchee.
Q To what town in the Creek Nation does Lewis Manuel belong? A I don't know; I don't expect he belongs to any; in fact I don't know what town they did put him with.
Q Do you know whether he was ever enrolled in any town or not? A He was enrolled all right, but I don't know what town.
Q Do you know whether he ever drew any money from the Creek Nation or not? A I don't know personally but I have heard it said so.
Q Did you hear that from him? A No sir.
Q Who told you he had drawn money from the Creek Nation? A Scott Gentry's wife, Addie; she is dead;I expect Scott knows all about it.
Q You were here, were you, in the Creek Nation when the Dunn Roll was made? A Yes sir.
Q I suppose you were not around where they were making the roll? ANo sir.
Q Do you know whether Lewis Manuel was placed on that roll or not? A No sir, I don't.
Q Was Lewis Manuel a soldier during the war? A Yes sir.
Q Do you know when he came back here out of the war? A No sir, I can't state exactly what year it was just immediately after peace was established; when all the balance of the Creek darkies came back he came back with them.
Q But there was a lot didn't come back then? A I guess not.
Q Do you know whether this man, Lewis Manuel, has ever been recognized as a citizen by the Creek authorities? A No sir, I can't say positively.

Examination by Mr. Elrod:

Q Tell him about that bell incident.
A Well, there was one thing; they accused him of stealing a cow bell, and they whipped him; Judge Thompson down here had him jacked up and whipped him and afterwards Thompson claimed that Lewis Bruner wasn't a citizen of the Creek Nation; he said he was a citizen of the Creek Nation up to the time he whipped him and after that he wasn't a citizen.
Q Was that March Thompson? A Yes sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 10 day of August, 1904.

Charles W. Sawyer

Notary Public.

CR EN 552

CR EN 552

Muskogee, Indian Territory, August 31, 1904.

The Honorable,

The Secretary of the Interior:

Sir:

The names of John Tiger and "Do-saw-cher" are contained in the partial list of Creek Indians by blood, approved March 13, 1902, and March 18, 1902, Nos. 3794 and 7918, respectively.

A careful examination of the Tribal Rolls of the Creek Nation, the records of this office and proof submitted, show that John Tiger and "Do-saw-cher" are one and the same person and that the identification of "Do-saw-cher" No. 7918, should be applied to John Tiger, No. 3794, and that the identification of John Tiger, No. 3794, applies to one John Peter, for whom an application for enrollment as a citizen by blood of the Creek Nation is now pending before the Commission.

November 23, 1899, the south-east quarter of the north-west quarter, the north-east quarter of the south-west quarter and Lots 3 and 4, of Section 12, Township 18 north, Range 12 east, 155.81 acres, was selected for John Tiger, under his enrollment at No. 3794, and deeds Nos. 2298 and 2299 were issued to said John Tiger and the same are now in the hands of the Principal Chief of the Creek Nation for delivery.

4913

The Secretary--2.

June 27, 1908, the north half of the north-west quarter and the north half of the south-east quarter of Section 11, Township 18 north, Range 17 east, 160 acres, was arbitrarily selected by the Commission for "De-saw-cher," under said enrollment No. 7918, and deeds Nos. 13670 and 13671 were issued to said "De-saw-cher" and the same are now held up in the office of the Commission.

There are herewith inclosed copies of the affidavits of Joseph Bruner, Aney Tiger and S. W. Brown, also a copy of the testimony taken July 19, 1904 in the matter of the application for the enrollment of John Peter, deceased, as a citizen by blood of the Creek Nation, an examination of which appears to affirmatively establish the fact that John Tiger and De-saw-cher, herein referred to, are one and the same person.

It is recommended that the name of "De-saw-cher" No. 7918, be stricken from said approved list and that said deeds Nos. 13670 and 13671 be cancelled.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

DCS. 1/31.

DEPARTMENT OF THE INTERIOR

I.T.D.7552-1904. WASHINGTON WHR.
J. P.

September 21, 1904.

Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 31, 1904, you reported that the records of your office and proof submitted show that John Tiger and "Do-saw-cher," contained in partial list of Creek Indians by blood approved on March 13 and 18, 1902, Nos. 3794 and 7918, respectively, are one and the same person and that the identification of "Do-saw cher," No. 7918, should be applied to John Tiger, No. 3794, and that the identification of John Tiger, No. 3794, applies to one John Peter, for whom an application for enrollment as a Creek by blood is now pending before your Commission.

You further report that November 23, 1899, certain lands were selected for John Tiger, under his enrollment at No. 3794, and deeds Nos. 2298 and 2299 issued to him but remain in the hands of the Principal Chief of the Creek Nation, and that June 27, 1902, certain lands were arbitrarily selected by your Commission for "Do-saw-cher," under said enrollment No. 7918, and deeds Nos. 13670 and 13671 issued to him but now held in your office.

You recommend, in view of the affidavits submitted which appear to affirmatively establish the fact that John Tiger and "Do-saw-cher," referred to are one and the same person, that the name of "Do-saw-cher," No. 7918, be stricken from said approved partial roll and that said deeds Nos. 13670 and 13671, be cancelled.

Reporting in the matter September 15, 1904, the Acting Commissioner of Indian Affairs concurred in your recommendation. A copy of his report is inclosed.

The Department concurs in the recommendation of the Acting Commissioner and you are hereby authorized to strike the name of said "do-saw-cher," from the copy of said partial roll on file in your office and to have cancelled said deeds Nos. 13670 and 13671, issued to him and now held up in your office.

The Commissioner of Indian Affairs has this day been directed to strike the name of said "Do-saw-cher" from the copy of said approved roll in his files.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

P. O.

No. 568.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of John Peter, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 19, 1904, Charles Marshall appeared before the Commission at Muskogee, Indian Territory and made application for the enrollment of John Peter, deceased, as a citizen by blood of the Creek Nation.

The evidence shows that said John Peter, deceased, is identified on the 1890 Authenticated Tribal Roll and the 1898 Pay Roll of the Creek Nation.

The evidence further shows that said John Peter, deceased, died subsequent to April 1, 1899.

It is, therefore, the opinion of this Commission that said John Peter, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901 (31 Stats. 861) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Commissioner

Commissioner

Muskogee, Indian Territory.

FEB 3 - 1905

Creek En 588

Muskogee, Indian Territory, February 7, 1906.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John Peter (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said John Peter (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JYM-7-70.

Muskogee, Indian Territory, April 15, 1904.

John Peter,

[illegible], Indian Territory.

Dear Sir:

You are advised that the name of yourself is contained in the partial list of Creek citizens, approved by the Secretary of the Interior April 6, 1904, and that application for a selection of land in the Creek Nation may now be made for yourself at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

Cr.I. 3000.

Muskogee, Indian Territory, June 20,1905.

Charles Marshall,

Sapulpa, Indian Territory.

Dear Sir:

The Commission desires further evidence in the matter of the application for the enrollment of your deceased brother, John Peter, as a citizen by blood of the Creek Nation.

You are hereby notified to appear before the Commission at Sapulpa, Indian Territory, on July 10, 1905, with Daniel Pickett, and at least one other witness who knows the exact date of the death of said John Peter, for the purpose of being examined under oath.

Respectfully,

Chairman.

Gr.L.4890.

Muskogee, Indian Territory, June 21,1905.

Wyatt S. Hawkins,

Chief Clerk Creek Land Office.

Dear Sir:

A question having arisen affecting the citizenship of John Peter, deceased, whose name appears on Creek Indian Card, Field No. 4590, Approved Roll No. 9979, you are directed to suspend action in the matter of making an allotment of land to the heirs of said person until further advised.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Sapulpa, I. T., July 10, 1906.

In the matter of the application for the enrollment of John Peter deceased, as a citizen by blood of the Creek Nation.

APPEARANCES: (L. B. Jackson, Attorney for applicants,
(M. L. Mott, Attorney for Creek Nation.

DANIEL PICKETT, being duly sworn, testified as follows:

Through Noah Gregory Official (Euche) Interpreter:

BY COMMISSIONER:

Q What is your name? A Daniel Pickett.
Q How old are you? A About forty-nine years old.
Q What is your post office address? A Sapulpa.
Q Do you know Charles Marshall? A Yes, sir.
Q Do you know a brother of his named John? A Yes, sir.
Q Is this John called John Peter? A Yes, sir, he was the oldest.
Q Is he a child of a woman named Harkawathlaney? A Yes, sir.
Q Is he dead? A Yes, sir.
Q Do you know when he died? A I don't know the date of his death but I know it is about nine years since he died.
Q Do you remember the $14.40 Payment? A He died shortly after that.
Q Do you remember the circumstance of the opening of the Creek Land Office, at Muskogee? A Yes, sir, I remember that. It was in April.
Q Was John Peter living or dead at the time the land office opened? A He was dead a good long while before that time.
Q Was he dead as much as a year before that time? A He was dead about three years before the land office opened.
Q Did you live near John Peter? A I lived close.
Q Were you a good friend of his? A Yes, sir, I had nothing against him.
Q Are you a good friend of Charles Marshall? A No, sir, I have nothing against Charles.
Q Do you know any one else who knows the date of the death of John Peter? A [illegible] all his neighbors ought to know. That all know he died long before the land office opened.
Q Tell me the names of some of his neighbors who would know about it? A You (pointing to Noah Gregory) ought to know. You had a camp-meeting there eight years ago and he was dead then.

BY L. B. JACKSON:

Q Mr. Pickett, you say you are a friend of Charley Marshall? A Yes, sir, and he knows it himself.
Q Did you threaten to send him to the penitentiary if he filed him on that land? A No, sir.
Q Didn't you tell Mr. Marshall if he didn't pay you for not being a witness against him that you would send him to the penitentiary? A No, sir. I never have told him any such thing. All that I know is that Brown had explained the law that all who were living at such time were entitled. That is what made me state that he was not entitled.
Q Didn't you tell him that if he didn't give you $10.00 you would testify against him? A No, sir, he just told me to-day that he would give me $10.00 if I would not testify against him. He said he wanted to see me awhile ago. He called me to one side and said he wanted me to witness for him and if he got the claim through he would give me ten dollars and I told him I didn't think I could as he had been dead too long and he said he would just have to give it up

then. I don't have to tell lies to get money from any one.

NOAH GREGORY, being duly sworn, testified as follows:

BY COMMISSION:
Q What is your name? A Noah Gregory.
Q How old are you? A About forty-five.
Q What is your post office address? A Sapulpa.
Q Did you know John Peter, Charley Marshall's brother? A I used to know him but he had almost vanished from my memory until they were talking about it. He used to go to school and had to quit and died.
Q Do you remember the circumstance of the opening of the land office?
A Yes, sir.
Q Was he dead or living at that time? A He was dead. I had camp-meeting 150 yeards from his house eight years ago, in 1897, and he was dead then. Charley Marshall was the only one there.
Q How long before you had that camp-meeting did he die? A He must have died sometime in 1896, because I left school in the winter of 1896 and he must have died sometime during the summer of the Spring of 1896, because he was not able to go to school. He was consumptive. I couldn't say when he died but he was not living at the time I held that meeting.

BY L. B. JACKSON:
Q How do you know that he was dead at the time you held the camp-meeting near his home? A I knew that boy was dead only from what I heard from home. I might have still been in the school when I got the news that he was dead.
Q What fixes the date of that meeting in your mind? A We have a quarterly meeting and I was pastor of the Sapulpa Circuit at that time.
Q How do you know it was eight years ago? A We have a little girl who is eight years old next tenth day of December and it was the year she was born and we had her babtized at that meeting and we have the record of her birth in the Bible and I have a record of when he went to school.
Q All the knowledge you have is what you have heard? A Yes, sir.

BY COMMISSIONER:
Q When did you first hear that he was dead? A Either the Spring of 1896 or the latter part of 1895, because he taken sick at school.
Q Was your girl eight years old last December or will she be eight years old next December? A She will be eight years old next December
Q what time of the year was this camp-meeting held? A It was sometime in June or July.
Q Are you certain that John Peter was dead at that time? A Yes, sir.
Q Do you think he died as much as a year before that? A He had been dead a year or so before that.
Q Were you Town King of Euche Town at one time? A Yes, sir.
Q In what years were you town King? A I was Town King for eight years until this last election.
Q Did you keep a record of the deaths in your town? A No, sir, we don't keep a record only when there is a payment and then we make a Census.
Q If John Peter died since the 1895 Payment would there have been any reason for you making a record of it? A No, sir.

I, D. C. Shagg, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Shagg

Subscribed and sworn to before me this 26 day of July, 1906.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JULY 19, 1904.

In the matter of the application for the enrollment of John Peter, deceased, as a citizen by blood of the Creek Nation.

Charles Marshall being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Charles Marshall.
Q How old are you? A Twenty-five.
Q What is your post office address? A Sapulpa.
Q Do you make application for the enrollment of your brother, John Peter as a citizen by blood of the Creek Nation? A Yes sir.
(From this point, the testimony of the witness is obtained through Larry Brown, sworn Euchee interpreter.)
Q Is John Peter living or dead? A Dead.
Q How long has he been dead? A About 4 years.
Q To what town in the Creek Nation did he belong? A Euchee.
Q Was he a full-blood Euchee? A Yes sir.
Q Have you heretofore executed and filed with the Commission an affidavit concerning the death of your brother? A Yes sir.

An affidavit heretofore filed with the Commission relative to the death of John Peter is made part of the record herein.

Q About how old was John Peter when he died ? A Twenty nine.
Q Was you ever married? A No sir.
Q What was the name of his father? A I don't know.
Q What was the name of his mother? A Harkawathlany.
Q Do you know anyone by the name of Rebecca Crow? A I don't know.
Q Do you know Becky Squire? A No.
Q Were you ever known by the name of Charlie Peter? A Yes sir.

The records of the Commission examined and it appears that Charles Marshall is listed for enrollment on Creek Indian card field No. 1002 approved roll No. 3229: he is identified on the 1890 authenticated tribal roll of the Creek Nation by the name of Charley Peter. He is identified also on the 1895 pay roll under the name of Charley. In the same family on the 1890 roll is found the name of John Peter, and that tribal enrollment has been given by the Commission to John Tiger on Creek Indian card field No. 1176, approved roll No. 3794. In the same family with Charley on the 1895 pay roll is found the name of Johnnie, and that tribal enrollment has also been given to John Tiger, Card 1176.

Q Did your brother, John Peter, live in the Creek Nation all his life?
A Yes sir.
Q Is your mother living? A Yes sir.
Q Do you know Addie Robinson? A Yes sir.
Q Is she any kin to you? A Yes sir.
Q What is it? A Cousin; she's kin to him.
Q Do you know Sukey Long? A Yes sir.
Q Do you know Dosarcher? A Yes sir.
Q Is Dosarcher a boy or girl or man or woman? A Boy.

Q About how old is he? A I don't know.
Q What is his English name? A I don't know.
Q Where does he live? A Don't know.
Q How long since you saw him? A Its been a good while.
Q Is he kin to you? A No.
Q Do or did you know his mother? A No.
Q Is the boys father and mother living? A I don't know.

Records of the Commission examined and it appears that Do-saw-ther is listd for enrollment on Creek Indian card Field No. 2779, approved roll No. 7218, and that land was arbitrarily allotted to him by the Commission June 27, 1902, and that he is identified on the 1895 pay roll of the Creek Nation at No. 97. It is believed to be quite probable that the Do-saw-ther on Creek card 2779 andthe John Tiger on card 1176 are one and the same person.

(Reference is made to John P. Charlar, page 100, 1890 roll.)

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 29" day of July, 1904.

Charles A. Sawyer

Notary Public.

Cr 1-4590.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, August 17, 1905.

In the matter of the application for the enrollment of John Peter as a Creek citizen.

Samuel W. Brown, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:
Q What is your name? A Samuel W. Brown.
Q What is your age? A 62 past.
Q What is your postoffice address? A Sapulpa.
Q Did you know John Peter, brother of Charles Marshall? A I was not very much acquainted with that family, but I do his mother.
Q Do you know when John Peter died? A I could not say of my own recollection. It was when Noah Gregory was superintendent of the Euchee schools.
Q Was that before or after the Creek Land Office opened? A Before.
Q You know the date the Land Office opened, do you not? A Yes sir.
Q What was the date? A April 1, 1899.
Q You are sure that John Peter died before the Land Office opened? A Yes sir.

Jennetta Tiger, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:
Q What is your name? A Jennetta Tiger.
Q How old are you? A 38.
Q What is your postoffice? A Kellyville.
Q Did you know John Peter, brother of Charles Marshall? A Yes, I knew him.
Q Do you know when he died--when John Peter died? A I don't know the exact date when that boy died.
Q Do you know when the Creek Land Office opened? A I don't know.
Q Do you remember the circumstance of its opening? A Yes sir.
Q Was John Peter living when it opened or dead? A No sir; John Peter was not living.
Q Do you know how long before that he died? A Had been dead quite a while.
Q As much as two years before it was opened? A As much as two years.

INDIAN TERRITORY, Western District.
I, J. Y. Miller, stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

J. Y. Miller

Subscribed and sworn to before me this 17th day of August, 1905.

Notary Public.

Cr.I. 4590.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter. September 20,1905.

In the matter of the application for the enrollment of John Peter, deceased, as a citizen by blood of the Creek Nation.

APPEARANCES: L.B.Jackson, attorney for applicant.

M.L.Mott, attorney for Creek Nation.

Larry Brown, being duly sworn, testified as follows:

By Commissioner.

Q What is your name? A Larry Brown.
Q How old are you? A About 35
Q What is your post office address? A Olive.

The witness is identified as Larry Brown on Creek Indian card field No. 614 and his name is contained in the partial list of Creek citizens by blood, approved by the Secretary of the Interior March 13, 1902, roll No. 1983.

Q Do you know Charles Marshall? A Yes, sir
Q Do you know a brother of his named John Peter? A Yes, sir
Q Is John Peter living or dead? A Dead.
Q Are you the father of Bessie Brown? A Yes, sir
Q Did John Peter die before or after Bessie was born? A After.
Q How long after? A I couldn't tell how long, but he died after Bessie was born.
Q Did he die more than a year after Bessie was born? A I dont know that.
Q What time of the year did John Peter die? A I dont know.the time of year he died, I didn't live close to him and I dont know much about him.
Q Have you a son named Buster Brown? A Yes, sir.
Q Did John Peter die before or after Buster Brown [redacted] A About the same time Buster died
Q How many years ago did John Peter die? A About five years.
Q Do you know when Noah Gregory was in charge of the Euchee school? A Yes, sir
Q Was John Peter living or dead at that time? A Living
Q How do you remember the time John Peter died? A Why I saw him at the Mission the last time I saw him, the time Gregory was superintendant of the Mission.
Q Did he die while Gregory was superintendant? A I believe afterwards.
Q How long afterwards do you know? A I dont know.

By atty. for applicant.

Q Do you remember when the land office opened? A Yes, sir
Q When? A April 1899
Q Did you see John Peter after that? A Once
Q When was that? A At the Euchee Mission.
Q Where is it located? A At Sapulpa.

Commissioner.

Q Do you know Noah Gregory? A Yes, sir, cousin of mine
Q Noah Gregory states that John Peter left school in the summer of 1896 and died that summer of consumption, what do you know about that? A I dont know about that.
Q Do you remember a camp meeting that Noah Gregory had in 1897 near Charley Marshall's house? A No, sir

Bessie Brown, the child of the witness referred to in his testimony, is listed for enrollment on the same card with her father opposite No. 1987 . The records of this office show that said Bessie Brown was born September 18, 1898.

By Mott.

Q When was that Euchee meeting that you speak of that you saw him at Sapulpa? A Saw him at the mission not meeting.
Q When was that? A Along in 1900, somewhere along there.
Q Do you know anybody else that you saw at that time? A No, sir
Q Dont remember anybody else that you saw at that time? A No, sir
Q He is the only one you remember? A Yes, sir

John Tiger, being duly sworn, testified as follows through Larry Brown s worn Euchee interpreter.

Q What is your name? A John Tiger.
Q What is your age? A 29
Q What is your post office address? A Bixby
Q Were you ever known as Yan kan sah cota Deer? A No, sir
Q What was the name of your father? A Marshey
Q Ever called Marshey Short? A Yes, sir

Witness is identified as John Tiger on Creek Indian card 1001 and his name is contained a partial list of citizens by blood approved by the Secretary of the Interior March 13, 1902, roll No. 3224

Q Do you know Charles Marshall? A Yes, sir
Q Related to him? A No, sir
Q Do you know his brother John Peter? A Yes, sir
Q Do you remember when you filed on your land? A Yes, sir
Q Was John Peter living when you filed on your land? A No, sir
Q How long before you filed did John Peter die? A A year after
Q You mean you filed a year after John Peter died? A Yes, sir

The records of this office show that a citizenship certificate was issued to John Tiger October 18, 1899

Q What time of the year was it that John Peter died? A In June or July.
Q Did you go to a campmeeting that Noah Gregory had in 1897 near Charley Marshall's house? A No, sir
Q Did you know about that campmeeting? A No, sir
Q Do you know who was in charge of the Euchee Mission school at the time John Peter died? A Henry Land
Q Was that before or after Noah Gregory was in charge of the school? A After Noah Gregory.
Q How long after Noah Gregory was in charge of the school was it before John Peter died? A A little over a year.
Q He died a little over a year after Noah Gregory left the school? A Yes, sir

By atty. for applicant.

Q Were you at John Peter's funeral? A Yes, sir
Q Who else was there? A Amy Tiger
Q Who else? A Behen.
Q Who else? Charley Marshall
Q Who else? Charley Marshall's mother.
Q Anybody else? Amy's wife
Q Was that all? A Yes, sir
Q Do you remember when Mr. Hughes taught at the mission? A Yes,
Q Who was superintendent of the mission then? A Henry Land
Q Did you buy any funeral supplies for the funeral? A No, sir
Q Who did? A Behen.

Commissiner

Q Do you know where Behen got the funeral supplies? A he told me he bought them from H.C.Hall
Q Did he buy a coffin? A No, sir made it at home
Q Is H.C.Hall in business in Sapulpa now? A Yes, sir

G.C.Hughes, being duly sworn, testified as follows:

Q What is your name? A G.C.Hughes
Q What is your age? A 51
Q What is your post office address? A Sapulpa
Q Are you a citizen of the Creek Nation? A No, sir

By Atty.

What year did you teach in the Euchee Mission at Sapulpa?
A In 1900 I began the school
Q Who was superintendent at that time? A Henry Land
Q How many years did Mr. Land have charge? A I think he had charge of the mission two years.One year at least of the time , I was principal
Q Did you know John Peter? A No, sir

Behen, being duly sworn, testified as follows through Larry Brown official sworn Euchee interpreter.

Q What is your name? A Behen
Q What is your age? A I dont know, some claim I am forty

Witness is identified as Behen on Creek Indian card field number 939 and his name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, roll No. 3036. It appears from the card that witness is now about 52 years old.

Q Did you know John Peter, a brother of Charley Marshall? A Yes
Q Was John Peter living at the time your child Kaskankee Behen died? A She died first.
Q How long did your daughter die before John Peter died? A About a year
Q Do you remember when Noah Gregory was in charge of the Euchee mission school? A Yes, sir
Q Was he in charge at the time your daughter died? A Henry Land was
Q How long after Noah Gregory left the mission before John Peter died? A I dont know how long but I remember that my daughter died first before Peter
Q Was John Peter attending the Euchee Mission school at the time he died? A Yes, sir
Q Did he die at school or did he go home to die? A At home
Q How long had he been from school when he died? A About six months

Q Do you remember when Noah Gregory had a big camp meeting near Charley Marshall's place after he left the Euchee school?
A No, sir, I wasn't there
Q Do you remember about filing on your land? A Yes, sir
Q Was John Peter living at the time you filed on your land?
A I filed after John Peter died
Q How long after John Peter died before you filed on your land
A About two years
Q John Peter died about two years before you filed on your land, is that it? A Yes, sir
Q Have you a daughter named Healey? A Yes, sir
Q How long had John Peter been dead before Healey Behen died?
A Healey died first
Q Did Healey die before you filed on your land? A I filed after she died

The records of this office show that a citizenship certificate was issued for Behen October 10, 1899. Healey Behen, child of Behen, was listed for enrollment on the same card with her father opposite roll No. 3040. It appears from the affidavit of Behen and Louis Tumsey filed in that case that said Healey Behen died in the month of July 1900.

Q Tell him that our records show that he filed on his land a year before his child Healey died, ask him if that is correct?
A I filed the year after Healey died.
Q Do you know what year it was that your child Healey died?
A Healey died after the land office opened, the same year in July
Q Who died first his child Healey or Kashankee? A Healey I want to correct that Kashankee died first,
Q Did John Peter die before or after Kashankee died? A Kashankee died first.
Q Did John Peter die before or after Healey died? A Healey first
Q Did John Peter die before or after you filed on your land?
A Before
Q How long before? A About six months
Q A few mintutes ago you said John Peter died two years before you filed and now you say six months, which is correct?
A About six months.
Q Tell him that the records of this office show that he filed on his land some time before Healey died, hesays that John Peter died before he filed on his land and died after Healey died. Some one of those statements is wrong, think it over and see who died first-John Peter or Healey? A Healey died first
Q You filed on your land before Healey died didn't you?
A After Healey died I filed on land/.
Q How long had Healey been dead when you filed on your land?
A He is talking about he filed for her the year after she died.

The records of this office show that a citizenship certificate was issued for Healey Behen October 11, 1901.

Q Do you remember when you filed on your own land? A In fall of the year the land office opened.
Q Was John Peter living at the time you filed on your own land?
A Yes, he was living then.
Q When you stated he had been dead six months when you filed , you meant when you filed on land for Healey? A Yes, that is what I meant.

By Atty. for applicant.

Q Who was superintendant of the Mission school when John Peter died? A Henry Land.
Q Were you present at John Peters funeral? A Yes, sir
Q Did you buy any funeral supplies for the funeral? A Yes, I

bought some cloth for [redacted] coffin.
Q Where did they make the coffin? At home.
Q Where did they buy the goods? A Kalls
Q Tell all who were present at the funeral? A John Tiger, Amy Tiger
Q Who else? A Little Bear but he's dead now.
Q Is that all you remember? A Amy's wife and Charley Marshall's mother was there
Q Do you remember when Mr. Hughes taught in the mission? A Yes

By Commissioner.

Q When you bought the goods for John Peter's funeral did you pay for them? or charge them? A Paid for them.
Q Did you get a bill or receipt for those goods? A No, sir

John George, being duly sworn, testified as follows through sworn interpreter Larry Brown.

Q What is your name? A John George.
Q What is your age? A Thirty
Q What is your post office address? A Bristow.
Q What was the name of your father? A Billy Euchee

Witness is identified on Creek Indian card 2327 and his name is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902 roll No.7002.

Q Did you know John Peter? A Yes, sir
Q He was a brother of Charley Marshall? A Yes, sir
Q Was John Peter living at the time your father Billy Euchee died? A John Peter died first, then father
Q How long before your father died did John Peter die? A About a year afterwards
Q You mean your father died a year after John Peter died? A Yes
Q Are you certain that your father died a year after John Peter died? A Yes, sir

Atty. for applicant.

Q Where did you see John Peter last? A The last time I saw him the Indians had a ball game in the country and that was the last time; he was sick then.
Q Was that before or after the land office opened? A After
Q Do you know when the land office opened? A No, sir, dont know what year but I know it was open then
Q Did your father die before or after the land office opened? A After the land office opened.
Q Do you know who was teaching the Euchee school at Sapulpa when John Peter died? A Henry Land.
Q How many years since your father died? A About three years.

By Commissioner.

Q You say your father died about three years ago? A About three years ago.
Q Four years ago Sam Brown and Bill Euchee's wife made an affidavit that Billy Euchee died August 17, 1899, that was two years before they made affidavit and about six years from now, do you still think it was only three years ago that your father died? A That's what I say.
Q Where were you when your father died? A I was taking care of my father.
Q Your father drew a pension from the United States government didn'the? A Yes, sir

Q Did they stop paying your father's pension at the time he died?
A Yes, sir
Q You are sure that John Peter died about the year before your father died are you? A Yes, sir
Q Do you remember when Henry Land was in charge of Buches mission school? A Yes, sir
Q Did John Peter die while Henry Land was in charge? A Yes, sir
Q How long before Henry Land left the school did John Peter die?
A He was there a year when John Peter died.
Q How long after John Peter died did Henry Land leave the school?
A Henry Land quit the same year John Peter died.
Q Was John Peter going to school there at the time he died?
A Yes, sir
Q Did he die at the school, or at home? A At home.
Q How long had he been home when he died? A Something like about two months.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of my sten ographic notes as taken in said cause on said date.

Anna Garrigues

Subscribed and sworn to before me this 21 day of September 1905.

Edwd Sweet
Notary Public.

Gr.I. 4898.

Muskogee, Indian Territory, September 21, 1908.

Superintendant Euchee Mission School,
Sapulpa, Indian Territory.

Dear Sir:

For use in the adjudication of certain Creek enrollment cases, you are requested to furnish this office the following information:

Date when Noah Gregory became superintendant of the school.

Date of the expiration of the term of Noah Gregory as superintendant of the school.

Date when Henry Land became superintendant of Euchee mission school.

Date of expiration of Henry Lund's term.

Date of the last attendance of John Peter, a brother of Charles Marshall, at Euchee mission school.

Date of death of said John Peter.

Respectfully,

Acting Commissioner.

Cr 1-4590

Muskogee, Indian Territory, November 13, 1905.

Superintendent Euchee Mission School,
Sapulpa, Indian Territory.

Dear Sir:

For use in the adjudication of certain Creek enrollment cases, you are requested to furnish this Office the following information:

Date when Noah Gregory became superintendent of the school;

Date of the expiration of the term of Noah Gregory as superintendent of the school;

Date when Henry Land became superintendent of the school;

Date of the expiration of Henry Land's term as superintendent;

Date of the last attendance of John Peter, a brother of Charles Marshall, at the Euchee Mission School;

Date of death of the said John Peter.

An early reply is requested.

Respectfully,

Commissioner.

INDEXED

COMMISSIONER TO THE FIVE TRIBES.

No.	Received
52168 1905	NOV 20 1905

Trotter, C.A.,
Sapulpa, I.T.
Creek Nation,
Nov. 17, 1905.

Refers Commissioner to [illegible] Gregory and Brent Land for information concerning one John Peter.

CREEK ENROLLMENT.

Sapulpa, Ind. Ter. Nov. 17, 1903.

Commissioner to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Dear Sir: There is no data here of the beginning or expiration of the superintendents term of office. By writing to Noah Gregory and Henry Land at Sapulpa, Ind. Ter., the desired information may be obtained.

There has been no record kept of the attendance of the pupils here at the Euchee Boarding School, prior to Augustl, 1902, and John Peter is not on our roll.

Respectfully,

D. A. Grotter

Superintendent Euchee Boarding School.

Muskogee, Oklahoma, April 17, 1909.

Subject:
Status relative to enrollment of John Peter.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to letter of Acting Chief of the Land Division, dated March 11, 1909, (Land 28215-1908), addressed to the Commissioner to the Five Civilized Tribes, in the matter of issuing patents to the heirs of John Peter, an enrolled citizen of the Creek Nation, whose name appears on a partial schedule of Creeks by blood, approved by the Secretary of the Interior April 6, 1905, opposite No. 9963, requesting a report as to the present status of the case, I have the honor to report as follows:

On July 19, 1904, application was made to the Commission to the Five Civilized Tribes, by Charles Marshall, a brother, for the enrollment of said John Peter, deceased, as a citizen by blood of the Creek Nation. Evidence was

submitted and on February 3, 1905, the Commission rendered its decision in said case, same being Creek Enrollment Case No. 552, favorable to the applicant and ordered the enrollment of said John Peter as a citizen by blood of the Creek Nation. On February 7, 1905, a copy of said decision was transmitted to the Attorney for the Creek Nation, with notice that he would be allowed fifteen days within which to file a protest against the enrollment of said Peter, and on February 27, 1905, no protest having been filed by said Attorney for the Creek Nation, the name of said John Peter was regularly listed for enrollment on Creek Indian Card, Field No. 4000, and the case closed.

On April 26, 1905, an allotment was selected for the heirs of said John Peter, deceased and a certificate issued therefor. Deeds covering said allotment were issued in due course, properly signed and approved by the Department January 23, 1906, but were not recorded and same are now in the possession of this office.

Subsequent to the date of filing by the heirs of said John Peter, one Noah Gregory, an Euchee Indian, and a citizen by blood of the Creek Nation, reported to the Commission that said John Peter died prior to April 1, 1899,

Secretary of Interior--2.

Pond on July 10, August 17 and September 20, 1906, testimony was taken by the Commissioner to the Five Civilized Tribes relative to the date of death of said John Peter, but no action heretofore has been taken on this testimony by the Commissioner.

The affidavits offered and testimony taken July 19, 1904, in Creek Enrollment Case No. 552, were conclusive as to the date of death of said John Peter, and the commission found that he was entitled, under that evidence, to enrollment. The testimony subsequently taken on July 10, August 17 and September 20, 1905, is conflicting and very unsatisfactory, yet taking the entire record in this case, I am of the opinion that the weight of the evidence is sufficient to warrant the conclusion that said John Peter died subsequent to April 1, 1899, and therefore entitled to an allotment. Further efforts were made to secure additional testimony in this matter, but without success.

The complete record in this case is herewith enclosed.

Respectfully,

SCP(MPS)
Incl.17-1

Commissioner.

Through the Commissioner
of Indian Affairs.

(COPY)

Sapulpa I. T. July 18-1904

Harkawathatany first being duly sworn on oath says that she is 72 years old and that she is not able to go to Muskogee "I am the mother of ten children two of them are living their names are Charles Marshall and Bettie Tiger" "I have eight children dead my son John Peter died four years ago 29th of this month I was present when he died and he is burried on Betsy Tiger's allotment

her
Hartkawathlany
mark

Witness
W. Z. Gore

Sworn and subscribed to before me this July 18th 1904.

G. C. Hughes

(SEAL) Notary Public

My Com. expires July 25-1906

The undersigned, being first duly sworn, states that, as stenographer to the Commissioner to the Five Civilized Tribes, she made the foregoing copy from the original affidavit in the matter of the death of John Peter, a deceased Creek citizen, and that the same is a true and correct copy of said original affidavit.

Myrtle D. Thompson

Subscribed and sworn to before me this 16th day of April, 1909.

Notary Public.

United States of America } (COPY)
Indian Territory
Western District } ss.

Aney Tiger, being first duly sworn on oath states as follows:

I am 45 years old; I live five miles south of Sapulpa, Indian Territory; I am a Muchee Indian, and a duly enrolled citizen of the Creek Nation.

I knew John Peter when he was living; he died at my house on the 29th day of June, 1900; I was present when he died; I had known John Peter all his life; I do not know how old he was when he died; his mother's name is Hapka-wa-tha-nay; John Peter has one brother and one sister living; the brother's name is Charles Marshall; the sister's name is Betsy Tiger.

his
Aney X Tiger
mark

(SEAL)

Subscribed and sworn to before me this 18th day of July, 1904.
My commission expires July 25-1906

G. C. Hughes
Notary Public.

United States of America }
Indian Territory } ss.
Western District }

I, Larry Brown, state on oath that I fully, truly, and correctly interpreted the above and foregoing affidavit to the affiant therein, Aney Tiger, and thathe stated to me that he fully understood the same, and that the statements therein contained were true to his best knowledge and belief.

(Signed) Larry Brown

Subscribed and sworn to before me this 18th day of July, 1904.

(SEAL)

G. C. Hughes
Notary Public.

My commission expires July 25-1906

The undersigned, being first duly sworn, states that, as stenographer to the commissioner to the Five Civilized Tribes, she made the foregoing copy from the original affidavit in the matter of the death of John Peter, a deceased Creek citizen, and that the same is a true and correct copy of said original affidavit.

Martha B. Blanchard

Subscribed and sworn to before me this 10th day of April, 1909.

Walter McHarg

Notary Public.

Sapulpa I. T. July 23 1904.

Amey Tiger being first duly sworn says "I am a citizen of the Creek Nation I am about 40 years old I am well acquainted with John Tiger I am his uncle. his Euchie name is De-sow-cher. He is about 14 years old. His father's name was Chartha. his mothers name was Sah-cah-pah-nah His father and mother are both dead after their death John Tiger (De-sow-cher) lived with me about three years I sent him to the Euchie Mission school and Mrs Emma Lynch took him to live with her"

Signed Amey his X mark Tiger

Witness
Maxey Simms

My Com. expires July 1904.

Sworn and subscribed to before me this 23rd day of July 1904

SEAL Signed G C Hughes Notary Public

I Maxey Simms after being sworn state that I am a citizen of the Creek Nation that I am about 25 years old. that I understand the English, Creek and Euchie languages and that the above statement signed by Amey Tiger is correctly interpreted from the Euchie Language to the English Language.

Signed Maxey Simms.

Sworn and subscribed to before me this 23rd day of July 1904.

SEAL G. C. Hughes, Notary Public.

[redacted] } ss.

[redacted] Brown being first duly sworn on oath states as follows: I am 61 years old; I am a citizen of the Creek Nation; I have been Chief of the Euchee Tribe for a number of years; I am well acquainted with De-dew-cher (John Tiger); his mother's name was Sah-cah-fah-mah, and his father's name was Charthler; his father and mother are both dead.

John Peter is not the same person as John Tiger; John Peter is now dead; his mother is living and her name is He-known-this-ney.

John Tiger is living and is now about 14 years of age.

Signed S. W. Brown.

Subscribed and sworn to before me this 29 day of July, 1904.

SEAL S. C. Hughes
Notary Public.

My commission expires on July 25 1908.

United States of America
Indian Territory } ss.

Joseph Bruner being first duly sworn on oath states: I am a citizen of the Creek Nation; I am ____ years old; I am well acquainted with John Tiger, I do not know his Indian name; he is about 14 years old; his father's name was Martin; I do not know the name of his mother; Amy Tiger is an uncle of the said John Tiger; he went to school at the Euchee Indian School at Sapulpa, I. T.; and now he lives with Mrs. Emma Lynch.

I can speak and write the English language; I am a member of the House of Warriors of the Creek Nation.

Signed Joseph Bruner.

Subscribed and sworn to before me this 16th day of July, 1906.

Seal G. S. Ingram
Notary Public.

My commission expires July 28, 1906.

CR EN 553

CR EN 553

No. 555.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 10, 1904.

In the matter of the enrollment of Himer Barnett, deceased, as a citizen by blood of the Creek Nation.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

March 13, 1902, the Secretary of the Interior approved the name of Himer Barnett as a citizen by blood of the Creek Nation, No. 4503.

February 13, 1904 the Department directed that the name of said Himer Barnett be cancelled on said approved list.

July 6, 1904 the Commission transmitted to the Department the petition of Thomas Barnett to re-open the matter of the enrollment of said Himer Barnett, which was granted by the Department July 22, 1904.

TOM BARNETT, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Tom Barnett.
Q What is your age? A About 26.
Q What is your post office address? A Henrietta.
Q Are you the father of Himer Barnett? A Yes, sir.
Q When was he born? A September 8, 1899.
Q Who did he die? A He died in September about 1900.
Q How old was that boy when he died? A About a year old.
Q Have you any other children? A Yes, sir.
Q Younger or older? A Had a girl older.
Q What was her name? A Louisa Barnett.
Q When was she born? A 1897.
Q Is she living? A Dead.
Q How old was she when she died? A About eight months old.
Q Do you know G. F. Clark, a notary public? A Yes, sir.
Q Did you execute an affidavit before him giving the date of the death of this child? A No, not as I know of. The girl I made an affidavit for.
Q How old is that girl? A About two years old.
Q Did you file that affidavit? A No, sir. It was no good.
Q Have you got it with you? A Yes, sir.
Q Did you write down in a book about the death of Himer? A Yes, sir.
Q Have you the book with you? A Yes, sir.

The witness presents a small pocket memorandum book in which appears the record of the births and deaths of various persons.

Q I see here a record of the date of the death of Himer Barnett, who wrote this in here? A I did.
Q When did you write it? A I wrote it not long after the child was dead.
Q How long after? A About a couple days.
Q I see a record here of the date of his birth. When did you write that? A I wrote that the day he was born.
Q Did you name this child the day he was born? A Yes, sir. My mother named him.

Nm. 553----S.

Q I see a record here giving what is claimed to be the date that the filing was done for Nimer Barnett. When did you make that? A I made it when I started from here.
Q What time? A Few days after when I was on the road home.
Q Was he living then? A Yes, sir.
Q Nimer was living when you made that entry? A Yes, sir.
Q How long after that was it that he died? A He living about---- between four and five months after that.

The memorandum book referred to contains an entry giving the date of the birth of Louisa Barnett and immediately below that an entry giving the date of her death. Immediately following that entry is found the following entry:

"Nimer Barnett born on the 8th day of September, 1899."

The following entry then appears:

"Wile for Nimer Barnett on the 23 day of April, 1900."

Following that entry is the following:

"Nimer Barnett died on the 15 day of September, 1900."

The last entry appears to have been written at a much later period than any of the other entries referred to.

The records of the Commission show that a citizenship certificate was issued for Nimer Barnett, April 23, 1900.

By M. L. Mott:

Q Was Nimer sick when you filed for him? A No, sir.
Q What did he die of? A He taken fever.
Q Did you have a doctor with him? A No, sir.
Q How long was he sick? A He was sick about a week or over a week. It might have been ten days or two weeks.
Q Were you sent for to make an affidavit as to when he died? A Not to make that affidavit. I made an affidavit for another child. That is the only affidavit I made.
Q Didn't you make an affidavit that Nimer Barnett died about the 9th of May? A No, sir.
Q Didn't you make an affidavit? A I made one for my little girl.
Q Do you know Mr. Clark? A Yes, sir.
Q Didn't they send for you? A No, I went down there.
Q How come you to go? A I wanted to file my little girl.
Q Did you take this letter and go before Mr. Clark the notary public? A No, sir.
Q What did you do when you got this letter? A I didn't get that letter for about three or four months. It went to Senora.
Q You never got this letter until you made the affidavit did you? A I don't know.
Q This letter was written a year before the affidavit was made? A I don't know when I got the letter. A fellow brought it to me.
Q Where is the affidavit that you made about the other child, before Mr. Clark? A It is here.

By Commission:

There is presented to the Commission for inspection an affidavit relative to the birth of Alice Barnett, a child of Tom Barnett, and the same appears to have been executed August 1, 1902. This affidavit appears to have been executed before C. F. Clark a notary public.

By M. L. Mott:

Q You say at the time you made that affidavit about the other child was there anything said about Nimer Barnett? A No, sir.
Q Did you have this letter there? A No, sir.

Q When did you get this letter? A I don't know when I got it.
Q Have you ever made any affidavit about it at all? A No, sir.
Q You never made any response to it? A No, sir.
Q But since the date of this, August 19, 1901, you did go before a notary public and make an affidavit about the other child? A Yes, sir.
Q And it is a fact that since the receipt of this letter and the date of this letter you have never been before a notary public for any other purpose? A No, sir.
Q And this letter calls on you for proof as to when Himer Barnett died? A Yes, sir.
Q Why didn't you give the proof? A I didn't get it in time.
Q And you made no attempt to reply to that letter until now? A No, sir.
Q If C. F. Clark declares that you made an affidavit about Himer Barnett dying on the 9th day of May that is no true is it? A No, sir.
Q Did you have this letter at that time at home? A I don't know.
Q You might have had it at home? A Yes, sir. I don't know whether I did or not.
Q You didn't know on the 9th day of May 1902 that if your child died on a certain date he would not be entitled to an allotment did you? A No. I was fixing it for another child.
Q You didn't know that it effected Himer did you? A No, sir.

By Commission:
The letter referred to is made a part of the record herein.

CLINT P. [Summers], being duly sworn, testified as follows:

By Commission:
Q What is your name? A Clint P. [Summers].
Q What is your age? A Forty-seven years old.
Q What is your post office address? A Henrietta.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Tom Barnett? A Yes, sir.
Q How long have you known him? A About 12 years.
Q How far do you live from him? A About three miles.
Q Do you know a child of his named Himer? A Yes, sir.
Q It is dead isn't it? A Yes, sir.
Q Do you know when it was born? A No, sir.
Q Do you know when it died? A In September.
Q Why is it you remember the time and know it died in September? A Me and Lake Moore and Charlie Clark and Tom Barnett and Chartie Bean and his wife and Greeny Barnett. We brought them up here and filed them in April, 1900.
Q Himer was living then wasn't he? A Yes, sir. He was a good big boy.
Q Do you know how long after that he died? A He died in September after that.
Q How do you know it was in September? A I heard it and knowing of it. He was right there close to us.
Q Can you explain why it is that you remember he died in September and you can't remember what month he was born in? A I can't tell you about the month. I know by being here and filing him and heard he died in September and knew the child was living in April and heard of the death of the child that he died in September.
Q Have you a child named Pet? A Yes, sir.
Q When was she born? A She was born---she is five years old the 15th day of last February.
Q Are you positive of that? A No Iaint. She is six years old.

Q Are you positive of the month? A Yes, sir.
Q Now about the day? A I am not certain as to the day. I am not educated and can't keep these dates.

The Records of the Commission show that Pet Summers was born February 20, 1899.

By witness:
All that I know is that I heard of the boy being dead in September.
Q How far did you live from him at that time? A Same place.

By M. L. Mott:
Q What was the name of Tom's other child? A I don't know.
Q Did it die? A He had one die before this boy was born.
Q When did it die? A I don't know.
Q Was he living at the same place? A No, sir. He was living about five miles.
Q Did you know that it was dead? A Yes, sir.
Q What month was that? A I don't know.
Q What month was that? A I can't tell you?
Q You haven't any idea when that was? A No, sir. But I did hear that he had a child that died.
Q Just like you heard Himer died? A Yes, sir. I heard he died in September.
Q You say it was in September? A It was in September but I don't remember the date.
Q You have just as good a way of fixing the date of the death of the girl as you have the boy? A No, sir. Because I didn't know the girl and I know the boy.
Q Well your knowing the girl any better wouldn't made you know the date any better? A All that I know------
Q When were you asked to testify in this matter? A About two or three months ago.
Q That is the first occasion you have had to recall the month in which the child died isn't it? A I can't remember. I will tell you all of it if you will give me time. Tome Barnett was turned down in his filing and he come to get me to witness for him.
Q That was the first time that you had talked of it? A Yes, sir.
Q That is the first time anything has been said to you about when it died? A Yes, sir.
Q Has he had any other child to die? A Not that I know of.
Q Has he any living? A One.
Q When was it born? A I can't tell you.
Q You heard it was born didn't you? A Yes, sir.
Q Have you given the only evidence you can that would enable you to remember the date on which this child died? A That is all I know about it.

By Commission:
Q You know that you were here in April? A Yes, sir.
Q I understand you to say you know this child died in the Fall? A Yes, sir.
Q Now Mr. Summers I believe you stated you didn't know the exact date this child died? A No, sir.
Q Did you ever make a statement as to when that child died? A I don't know.
Q You made an affidavit as to when that child died didn't you? A I believe I did.
Q In this affidavit (calling the witness's attention to an affidavit executed by him in the matter of re-opening this case) executed by you it is stated that the child was born on the 8th day of September 1899? A I didn't know that. Tom told me that.

Q You also stated in that affidavit that the child died on the 15th day of September 1900? A I told him that was what Tom Barnett said about it.
Q These affidavits here executed from information and not from your own knowledge? A Yes, sir. I don't know anything about the dates.

By M. L. Mott:
Q You didn't go to the funeral? A No, sir.
Q You don't know the day he was buried? A No, sir.

McCLELLAN C. HICKMAN, being duly sworn, testified:

By Commission:
Q What is your name? A McClellan C. Hickman.
Q How old are you? A Forty-two.
Q What is your post office address? A Weleetka.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Is your wife a citizen? A Have no wife.
Q Have you any children? A Never was married.
Q Do you know Tom Barnett? A Yes, sir.
Q How far do you live from him? A About eight miles.
Q Do you know a child of his named Himer? A Yes, sir.
Q Do you know when that child was born? A In September 1899 but I don't know the date.
Q Can you state why it is that you remember the month in which it was born? A I had Tom and his wife working for me that summer and that Fall I had up some fattening hogs and that Fall his wife died. In 1899. And he sent Seeber Fisher up to let me and my neighbors know that his wife was dead.
Q What was her name? A Lucy.
Q What is the name of the mother of Himer? A Lucy Barnett.
Q She is dead is she? A Yes, sir.
Q How long after Himer's birth was it she died? A Just a few days. I can't say positive.
Q Do you know when Himer Barnett died? A Yes, sir.
Q When was it? A I don't know just exactly the date of the month but he died along in the fall 1900.
Q Was he then living on your place? A No, sir.
Q He had moved away from your place had he? A No. He never did live on my place he was just working for me.
Q How far did he live from you? A About eight miles.
Q Were you at his house during the child's sickness? A No. The way I come to know the child was dead I rode up to the grave when they were just burying the child.
Q Where had you been? A I don't remember just where I had been. Me and another fellow named Wetstone rode up to the grave.
Q Do you remember as to the condition of the crops at that time? A No, sir.
Q Do you know whether cotton picking had begun or not? A I think cotton picking had begun. I know there was some late peaches for me and the other fellow rode out close to the Graveyard to some trees and got some peaches.
Q How old was that child when he died? A Just about a year old.
Q You are positive it was in the early part of the Fall? A Yes, sir.

By M. L. Mott:
Q When did Barnett come to see you about this? A About what.
Q Asking you to testify when the child died? A About three or four weeks ago. He wanted to know if I would be a witness for him and I told him I would as far as I knew.

Q Have you had any occasion to refresh you memory as to the date of the death until three or four weeks ago? A No, only my father was down here from Kansas and I taken him home and know the year I thane him home and know the year Tom and his wife worked for me.
Q What year was it your father was down here? A July 1899.
Q The child never died until 1900? A No, not until 1900. I taken him home and the child died the next fall after I taken him home.
Q The child died the following Fall did he? A The next Fall a year.
Q Which died first his wife or the child? A His wife died first.
Q Did you see the child at different times? A Yes, sir.
Q Did you go to his house quite often? A Yes, sir.
Q Who was taking care of the child after his wife died? A Nancy Barnett.
Q His mother? A No,his stepmother. Dave Barnetts wife.
Q Did you ever see the child walk? A NO.
Q Did you ever see it crawl? A Yes, sir.
Q But you never saw it walk? A NO.
Q How early does a child generally walk? A Some walk at different ages.
Q It is a very rare case when they don't walk in twelve months isn't it? A They generally don't walk under that. It may have walked I don't know.
Q When Tom come to see you the other day did he tell you the child died in September? A Yes, sir. He told me the child died in September.
Q Did he ask you if you remembered if it died in September? A Yes, sir. I told him I did not.

WILLIAM DITZLER, being duly sworn, testified as follows:

By Commission:
Q What is your name? A William Ditzler.
Q What is your age? A Twenty-seven years old.
Q What is your post office address? A Welcetka.
Q Do you know Tom Barnett? A Yes, sir.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Your wife a citizen of the Creek Nation? A Yes, sir.
Q What is her name? A Melvina Barnett.
Q Was she enrolled that way by the Commission? A Yes, sir.
Q Have you any children? A Got one child.
Q How old is it? A About a year and a half.
Q Did you know a child of Tom's named Himer? A I seen the child.
Q Is your wife any relation to Tom? A Yes, sir.
Q What relation? A Sister.
Q How long have you known Tom Barnett? A About four years.
Q Do you know when Himer Barnett was born? A No, sir.
Q Do you know when he died? A Died in the fall.
Q What year? A 1900.
Q What fixes it in your mind that he died in that time? A I and his sister married in March afterwards.
Q How long did the child die before you were married? A About six months.
Q Were you present when the child was buried? A Yes, sir. I helped bury the child.
Q Do you know what month it was? A September.
Q Do you know the day? A No, sir.
Q Do you know a notary public named Dudley? A I don't know him. Seen him.
Q Did you execute an affidavit before him about this child? A Yes, sir. They made out the affidavit and I swore to it.
Q I understand you that you don't know this child? A No.
Q Did you ever see him? A Yes, sir. I seen it before it died.

Q Was that affidavit you executed before Dudley read over to you? A Yes, sir.
Q Is that your signature (indicating signature on affidavit)? A Yes, sir.
Q In this affidavit which you state you signed it is stated that Himer Barnett died on the 15th day of September 1900 at 7 A. M? A I told them I didn't know the exact time and I said near about that time.
Q Are you positive now that the child died in the fall before you were married? A Yes, sir.
Q When do you say you were married? A In March 1901.

By M. L. Mott:
Q Have you had any occasion to have this called to your mind from the death of the child until he come to see you the other day? A No, sir.
Q Do you know when his girl died? A No.
Q Did you know he had a girl that died? A No, sir.
Q Do you know when his wife died? A I heard his wife died.
Q When did she die? A She died before I come up into that country.
Q You heard about it and you heard about the child being dead? A I helped bury the child.
Q What circumstance is connected with it makes you know it was in September? A It was in September but I don't know what makes me know it.
Q Had you commenced to---was corn ripe? A Yes, sir. I never got acquainted with him until a little before the child died.
Q Did you marry his sister? A Yes, sir.
Q Where is your wife? A She is about four mile's north of Weleetka.
Q Was she at his house when the child died? A No.
Q Where was she? A She was at her grandmother's.
Q How far from there? A About three quarters of a mile.
Q She was at the burial wasn't she? A Yes, sir.
Q Do you know any one else that was there that was kin to him? A They were several of them.
Q At the house? A Yes, sir.
Q Who were they? A I don't recollect who it was. I wasn't acquainted with them.
Q Where are they now. Any of them here? A No, sir.
Q There are several people living now that was at the house when the child died? A Yes, sir. His father is living there now.
Q Any one else? A His father's wife and several children.
Q Grown children? A Two boys about fifteen or sixteen and a girl about sixteen.

Charlie Beems, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Charlie Beems.
Q How old are you? A Thirty.
Q What is your post office? A Henrietta.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Do you know Tom Barnett? A Yes, sir.
Q How long you known him? A I known him about twelve years.
Q How far do you live from him? A I live about one and a half mile
Q Did you know a child of his named Himer? A Yes, sir.
Q Do you know about when that child was born? A No, I don't.
Q Were you living within a mile and a half of him when the child was born? A No, not when it was born.
Q Did you know when the child died? A Yes, sir. I know about it.
Q How far did you live from him when the child died? A About three miles.

Q Were you at his house during the child's last sickness? A I was there some.
Q During the child's last sickness? A Yes, sir.
Q What time of the year was that? A Along in the fall. About the First of September.
Q When the child took sick? A No when it died.
Q Do you remember the date it died? A No.
Q Do you remember the year? A Yes, sir. 1900.
Q About how old was that child when it died? A About a year old.
Q You saw the child occasionly during its lifetime did you? A Off and on while it lived.
Q Can you state why it is that you are impressed that the child died in September? A yes, sir. I was down there the day that it died and it father here-----
Q What is it impressed you that it was September? A Well it was in the Fall of the year.
Q Had cotton picking commenced? A Yes, sir, there was some cotton picking.
Q There was some cotton picking going on when the child died? A Ys Yes, sir.
Q You are confident are you that the child died in September? A Yes, sir. It was that late any how. I don:t know what date it was but it was in the Fall that late I know.

B Upon request of the applicant he is allowed thirty days within which to introduce additional evidence in this case.

---oooOOOooo---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C Skaggs

Subscribed and sworn to before me this 22nd day of August, 1904.

H C Martin Jr.
Notary Public.

Enc. 5'53.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., September 15, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Himer Barnett, deceased, as a citizen by blood of the Creek Nation.

JOSIAH LONEY, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Josiah Loney.
Q What is your age? A About fifty-three.
Q What is your post office address? A Weleetka.
Q Are you related in any way to Himer Barnett? A No, sir.
Q Did you know him during his lifetime? A Well acquainted with him.
Q When did Himer Barnett die? A September, 1900.
Q How old was he when he died? A I don't know his exact age but he was over a year old.
Q What is the name of the father of Himer Barnett? A Tom Barnett.
Q What is the name of the mother? A Lucy Barnett.
Q Are you a Creek Indian by blood? A Citizen of the Muskogee Nation. A full-blood.
Q Do you hold any official position in the Creek Nation? A I hold no official position at this time but in the past I held many, being Captain of the Light-Horse and District Judge and served until knocked out by the Curtis Bill.
Q You have no interest in the enrollment of this child have you? A I have no interest in this case at all. I was present at the church gathering when the child died.

NANCY BARNETT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Nancy Barnett.
Q How old are you? A I don't know my age.
Q What is your post office address? A Weleetka.
Q What relation are you to Himer Barnett, deceased? A He is the son of my brother.
Q What is the name of the father of Himer Barnett? A Tom Barnett.
Q Was you acquainted with Himer Barnett during his lifetime? A Yes, sir.
Q About when did Himer Barnett die? A September 15.
Q What year? A I don't know what year.
Q About how many years ago was it that he died? A About four years
Q Do you know that of your own knowledge? A Yes, sir.
Q The child was over a year old when it died? A Yes.
Q Do you know when the Creek Land Office opened? A Yes.
Q You remember when that was? A Yes, sir, I remember when it was.
Q About how long after the land office opened was it that this child was born? A This child was born before they opened it for the land.
Q The child was born before they opened the land office? A Yes, sir.
Q The land office was opened on April 1, 1899, was this child born at that time? A I guess so. I don't know what day of the month it is.

Q Are you satisfied that Elmer Barnett died in September, 1900? A Yes, sir.
Q And you are positive that he was over a year old at the time he died? A Yes, sir.

------:O:------

I, Brennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Brennan C. Skaggs.

Subscribed and sworn to before me this 28 day of September, 1904

Notary Public.

COPY.

38.

SUPPLEMENTAL PROOF,

IN RE

Application for Enrollment of

INFANT CHILD

Hannah Barnett

as a citizen of the

CREEK NATION.

Approved August 1, 1902

Tams Bixby

Commissioner.

Lottie Harriman

SUPPLEMENTAL PROOF. COPY. 38

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek (or Muskogee) Nation, of Heiman Barnett (Here insert name of child), born on the 8th day of Sept, 1899

Name of Father: Tom Barnett, a citizen of the Creek Nation.

Name of Mother: Lucy Barnett, a citizen of the Creek Nation.

Post-office, Weleetka I.T.

AFFIDAVIT OF PARENT.

(To be made if child is now living)

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... District.

I, ..., on oath state that I am .....

years of age and a citizen, by ....., of the Creek (or Muskogee) Nation;

that I am the ..... (father or mother.) of ..... (Here insert name of child.)

a ..... (male or female.) child who was born on the ..... day of ....., 1....,

and that said child is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.) .....

.....

Subscribed and sworn to before me this ..... day of ..... 190....

NOTARY PUBLIC.

AFFIDAVIT OF PARENT.

(To be made if child is deceased.)

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Tom Barnett, on oath state that I am about 205

years of age and a citizen, by blood of the Creek (or Muskogee) Nation;

that I am the father (father or mother) of Heiman Barnett (Here insert name of child.)

a male (male or female.) child who was born on the 8th day of September, 1899,

and that said child died on the 9th (or near) day of May, 1900.

WITNESSES TO MARK:

(Must be Two Witnesses.) .....

(Seal)

(SIGNED) Tom Barnett

Subscribed and sworn to before me this 1 day of August 1900.

(SIGNED) H. F. Clark

NOTARY PUBLIC.

20

IN RE

Application for Enrollment of

INFANT CHILD

Heiner Barnett

as a citizen of

Creek Nation.

Approved January 10 1900

(SIGNED) Jas Riley

Commissoner.

Acting Chairman

COPY.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Heiner Barnett, born on the 8th day of Sept, 1899

(Here insert name of child)

Name of Father: Thomas Barnett a citizen of the Creek Nation.

Name of Mother: Lucy Barnett a citizen of the Creek Nation.

Post-office Senora I T

AFFIDAVIT OF ~~MOTHER.~~ father

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, Thomas Barnett, on oath state that I am 22 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful ~~husband~~ wife of Lucy Barnett dec'd, who was a citizen, by blood, of the Creek Nation; that a male (Male or female) child was born to ~~her~~ on the 8th day of Sept 1899; that said child has been named Heiner Barnett, and is now living.

WITNESSES TO MARK:

(SIGNED) Thomas his + mark Barnett

(SIGNED) J A Scott
(Must be Two Witnesses.)
(SIGNED) Jesse McDermott

Subscribed and sworn to before me this 10th day of January 1900

J A Scott
NOTARY PUBLIC.

Seal

My Com ex Nov 6th 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY.
Northern District. }

I, Patty Barnett, a midwife, on oath state that I attended on Mrs. Lucy Barnett, wife of Thomas Barnett on the 8th day of Sept, 1899; that there was born to her on said date a Male (MALE OR FEMALE) child; that said child is now living and is said to have been named Heiner Barnett

(SIGNED) Patty her + mark Barnett

WITNESSES TO MARK:

(SIGNED) J A Scott
(Must be Two Witnesses.)
(SIGNED) Jesse McDermott

Subscribed and sworn to before me this 10th day of January 1900

J A Scott
NOTARY PUBLIC

Seal

My Com ex Nov 6th 1903

UNITED STATES OF AMERICA
INDIAN TERRITORY,
WESTERN DISTRICT.

DEPARTMENTOF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES. CREEK ALLOTMENT OFFICE.

IN THE MATTER OF RE-OPENING OF THE ENROLLMENT OF HIMER BARNETT DECEASED.

Your petitioner Thomas Barnett respectfully states; that he is a citizen of the Creek(or Muskogee) Nation,by blood;that he has been enrolled as such by the Dawes Commission to the Five Civilized Tribes;that he is the father of Himer Barnett, a minor now deceased; that the said Himer Barnett was born on the 8 th. day of September 1899,and died on the 15 th. day of September 1900, which is here shown by petitioners affidavit,and by the affidavits of C.P.Summers and Will Ditzler hereto attached and made a part of this petition, and marked exhibit A.B.C. respectively.

Your petitioner further states; that on the 23 rd. day of April 1900 he made application for the enrollment of the said Himer Barnett and selected for his allotment the following described tract of land, to wit- Subdivision of the East Half of the Southwest Quarter,lots 3 and 4, Section 19, Township12 and Range 12 ;and that the said Himer Barnett's name was placed on the Creek rolls;but on the 8 th. day of January 1904 the Dawes Commission recomended to the Commission of Indian Affairs, that the said Himer Barnett's name be stricken from the Creek roll,this recomendation was approved by Thomas Ryan and on the 13 th. day of February 1904,the said Himer Barnett's name was dropped from the Creek rolls, thereby depriving your petitioner to perfect his allotment according to law. This action of the said Dawes Commission your petitioner has been informed was based upon an affidavit purporting to have been made by him on the first day of

August 1902, that the said Himer Barnett died on the 9 th. day of May 1900, when in fact he did not die untill the 15 th. day of September 1900. This aforsaid affidavit your petitioner does not remember of making and verily believes that he did not make it ; but if any such affidavit was made it was made under a wrong apprehension and for the use and allotment of another child;that he has good reasons to believeand does believe that by some inadvertense or some mistake being made some where that the names of the two children have been confusedand it made to appear to the said Dawes Commission that the said Himer Barnett died as stated in the said affidavit made August 1 st. 1902. By this mistake a great hardship has been done your petitionerand that he has beendeprived of the allotment which he is entitled to as the father of the said Himer Barnett, deceased.

WHEREFORE;Your petitioner respectfully prays that said allotment of the said Himer Barnett be re-opened in order that evidence may be introduced in behalf of said allotment and that upon such rehearing that the said Himer Barnett's name be re-entered upon thr Creek (or Muskogee) roll and granted such other relief as proper.

Thomas Barnett
Petitioner

UNITED STATES OF AMERICA)
INDIAN TERRITORY, } ss.
WESTERN DISTRICT.)

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.
CREEK ALLOTMENT OFFICE.

IN THE MATTER OF THE RE-OPENING OF THE ENROLLMENT OF HIMER BARNETT, DECEASED.

AFFIDAVIT.

Thomas barnett of lawful age, being first duly sworn, states that he is a Citizen of the Creek or Muskogee Nation by blood, and has been enrolled as such bt the Dawes Commission to the Five Civilized Tribes ; that he is the father of Himer Barnett; that the said Himer Barnett was born on the 8th day of September, 1899., and died on the 15th day of September, 1900.

Thomas Barnett

Subscribed and sworn to before me this the 30th day of April, 1904.

M. Leadbetter
Notary Public.

My Commision Expires Jan 11th 1908

UNITED STATES OF AMERICA,)
)
INDIAN TERRITORY,) ss.
)
WESTERN DISTRICT.)

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.
CREEK ALLOTMENT OFFICE.

IN THE MATTER OF THE RE-OPENING OF THE ENROLLMENT OF HIMER BARNETT, DECEASED.

AFFIDAVIT.

William Ditzler of lawful age, being first duly sworn, states that he is a non-citizen of the Creek or Muskogee Nation ~~by blood~~; that he has resided and continued to reside in the said Creek or Muskogee Nation for the period of 14 years and that he has known Thomas Barnett and immediate family for the period of 4 yeasr; that he knew Himer Barnett, the infant son of the said Thomas Barnett, in his life time; that the said Himer Barnett died on the 15th day of September, 1900., at 7 a.m. and was burried about 2 p.M. of the same day; that he was present and participated in the burrial of the Himer Barnett.

William Ditzler

Subscribed and sworn to before me this the 30th day od April, 1904.

M. Lee Mooney
Notary Public.

My Commission Expires Jan. 11th 1908

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } ss.
WESTERN DISTRICT,

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.
CREEK ALLOTMENT OFFICE.

IN THE MATTER OF THE RE-OPENING OF THE ENROLLMENT OF HIMER BARNETT, DECEASED.

AFFIDAVIT.

C.P.Summers of lawful age, first being duly sworn, states that he is a Citizen of the Creek or Muskogee Nation by blood; that he has resided and continued to reside in the said Creek or Muskogee Nation for the period of ____years ; that he has known Thomas Barnett for the period of____years and has been intimately acquainted with family of the said Thomas Barnett; that he knew the infant son, Himer Barnett, of the said Thomas Barnett; that the said Himer Barnett was born on the 8th day of September, 1899., and died on the 15th day of September, 1900.

C P Summers

Subscribed and sworn to before me this the 30th day of April, 1904.

W M Ledbetter
Notary Public.

My Commission Expires Jan. 11th 1908

United States of America)
)
Indian Territory)SS
)
Western Judicial District)

I hereby certify that I served the within petition on P. Porter, Principal Chief of the Muskogee or Creek Nation, on the 14th day of June 1904, by delivering a true copy of said petition on the said P. Porter at his office in the Turner Building in the City of Muskogee, Indian Territory.

C.F.Bliss.

Subscribed and sworn to before me this 14th day of June,1904.

My Commission expires April 29th 1908.

J. Garfield Buell,
Notary Public.

(Notarial Seal)

No ____

"Copy"

In the Matter of Keeping
of the Enrollment of
Hiram Barnett, Deceased

Eaton + Morgan
Henrietta D. Attys

604.

Dr. E. 248.

Muskogee, Indian Territory, December 31, 1903.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are advised that on January 2[illegible], 1904, the Commission will hear such evidence as may be submitted in the matter of the enrollment of Elmer Barnett, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

COPY

Cr. T. 1416.

Muskogee, Indian Territory, December 31, 1903.

Tom Burnett,

Sunnie, Indian Territory.

Dear Sir:

Further evidence is desired in the matter of the dates of the birth and death of your son, Tom Burnett, as a citizen by blood of the Creek Nation.

You are requested to appear before the Commission at its office in Muskogee, Indian Territory, on January 22, 1904, with two disinterested witnesses who have personal knowledge of said alleged birth and death.

Respectfully,

Chairman.

COPY.

Cr. I. 1416.

Muskogee, Indian Territory, December 31, 1903.

E. B. Miller,

Clerk in Charge

Creek Land Office.

Dear Sir:

There has been a question raised as to the right to enrollment as a citizen of the Creek Nation of Himer Barnett, deceased, approved Creek roll No. 4503.

You are directed to hold up the matter of making allotments in the Creek Nation to the heirs of said Himer Barnett pending the determination of his right to enrollment as a citizen of said nation.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

1883

Cr. I. 1416.

Muskogee, Indian Territory, January 7, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

December 31, 1903 you were advised by letter that on January 28, 1904 the Commission would hear such evidence as might be submitted in the matter of the enrollment of Himer Barnett, deceased, as a citizen by blood of the Creek Nation.

Said letter is recalled. If further evidence is desired in the case you will be duly notified.

Respectfully,

Chairman.

I. 1416

Muskogee, Indian Territory, January 8, 1904.

The Honorable

The Secretary of the Interior.

Sir:

The name of Himer Barnett is contained in the partial list of Creek citizens by blood approved March 13, 1902, number 4503.

January 10, 1900 Thomas Barnett, the father, and Patty Barnett, the mid-wife in attendance, executed affidavits from which it appears that said Himer Barnett was born September 8, 1899.

August 1, 1902 Tom Barnett, father of said child, executed an affidavit from which it appears that said Himer Barnett died May 9, 1900.

The Commission has the honor to recommend that the name of said Himer Barnett be stricken from said list.

The affidavits referred to are herewith inclosed for Departmental consideration.

Respectfully,

Commissioner in Charge.

HGH 1.

Cr. I. 1416

Muskogee, Indian Territory, January 7, 1904.

Tom Barnett,

Senora, Indian Territory.

Dear Sir:

December 31, 1903 you were advised by letter that further evidence was required in the matter of the dates of the birth and death of your son, Himer Barnett, and you were required to appear before the Commission on January 29, 1904, with two witnesses who know said dates, for the purpose of being examined under oath.

Said letter is recalled, and you are now advised that it will not be necessary for you to appear on the day mentioned.

Should further evidence be required in the case you will be duly notified.

Respectfully,

Chairman.

(Copy)

LAND
2758-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department a communication from the Commission to the Five Civilized Tribes, dated January 8, 1904, in which it is stated that the name of Himer Barnett is containedin the partial list of Creek citizens by blood, approved March 13, 1902, No. 4503; that on January 10, Thomas Barnett, the father, and Patty Barnett, the mid-wife in attendance, executed affidavits from which it appears that said Himer Barnett was born September 8, 1899, that on August 1, 1902, Tom Barnett, father of said child, executed an affidavit from which it appears that said Himer Barnett died May 9, 1900. The Commission then recommends that the name of Himer Barnett be stricken from said list.

The affidavits above referred to are herewith enclosed. In view of the statements contained in said affidavits, and by reason of the provisions of section 7 of the supplemental Creek agreement, approved June 30, 1902, I also recommend that the name of said Himer Barnett be stricken from said list.

Very respectfully,
A.C.Tonner,
Acting Commissioner.

W.C.B. (B)

(Copy) WCF

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 1156-1904. February 13, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In your communication of January 8, 1904, you recommended that the name of Himer Barnett be stricken from the roll of Creek citizens by blood. The name of Himer Barnett appears at No. 4503, on the partial list of Creek citizens by blood approved by the Department March 13, 1902. You submit certain affidavits from which it appears that on January 10, 1900, Thomas Barnett, the father of Himer Barnett, and Patty Barnett, the mid-wife in attendance, that Himer Barnett was born September 8, 1899. On August 1, 1902, Tom Barnett executed affidavits stating that Himer Barnett died May 9, 1900.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs concurs in your recommendation. A copy of his letter is inclosed.

You are advised that by reason of the provisions of Section 7 of the supplemental agreement with the Creek Nation, approved June 30, 1902, the Commission of Indian Affairs has been authorized to cancel the name of Himer Barnett on the partial list of Creek citizens by blood in his office, and you are authorized to make said cancellation upon the list in your possession.

Respectfully,

(Signed) Thos Ryan.

Acting Secretary.

1 inclosure.

J.813

Muskogee, Indian Territory, July 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

January 8, 1904, the Commission recommended that the name of Himer Barnett be stricken from the partial list of Creek citizens by blood approved by the Department March 13, 1900, [illegible].

February 13, 1904 (I.T.D. 1156-1904), the Department authorized the Commission to cancel the name of Himer Barnett on the partial list of Creek citizens by blood in its possession, which was done.

June 15, 1904, there was presented to the Commission for transmission to the Department the petition of Thomas Barnett, father of Himer Barnett, verified by affidavit, asking that the matter be reopened in order that further evidence might be submitted in the case. Accompanying the petition are the affidavits of William Ditzler and C. P. Summers. Proof of service on the Principal Chief of the Creek Nation is shown. No action in the matter has been taken by the representative of the Creek Nation.

In view of the petition and affidavits it is respectfully recommended that the case be reopened and an opportunity be given

the parties in interest to introduce further evidence.

The petition and affidavits referred to are herewith inclosed for Departmental consideration.

Respectfully,

Commissioner in Charge.

Through the Commissioner
Of Indian Affairs.

HGH.-1.

COPY

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

WOE

ITID5804-1904.

LRS.

July 22, 1904

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 6, 1904, you transmitted the petition of Thomas Barnett to reopen the matter of the enrollment of Himer Barnett, deceased, as a citizen of the Creek Nation. On February 13, 1904, the Department authorized the cancellation of the name of Himer Barnett on the approved rolls of the Creek Nation for the reason that it appeared from the affidavit of Thomas Barnett that said Himer Barnett died on May 9, 1900. Thomas Barnett now states in his petition that he does not remember of having made said affidavit, and verily believes that he did not make it, but if said affidavit was made it was made under a wrong apprehension and for the use and allotment of another child. He asks that the case be reopened, and makes affidavit that said minor child died on the 15th day of September, 1900. He also submits the affidavits of William Ditzler and C.P.Summers, in which it is stated that said Himer Barnett died on September 15, 1900.

Forwarding the papers July 15, 1904, the Acting Commissioner of Indian Affairs recommends that the petition be granted, and opportunity given the parties in interest to introduce further evidence. Copy of his letter is herewith inclosed.

The Department concurs in said recommendation. The petition is hereby granted. You will so notify the parties in interest, and allow the applicant a reasonable time within which to submit further evidence.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

LAND
$5-04
45207-1904.

Washington, July 15, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Department letter of February 13, 1904, (I.T.D. 1156) there is enclosed herewith a report from the Commission to the Five Civilized Tribes dated July 6, 1904, transmitting the petition of Thomas B arnett for re-opening of the matter of the enrollment of Himer Barnett, deceased, as a citizen of the Creek Nation.

In the petition of Thomas Barnett it is stated that the Commission and the Department, he is informed, based their action upon an affidavit purporting to ~~xx xxxx~~ have been made by him on the first day of August, 1902, to the effect that Himer Barnett died on the 9th day of May, 1900, when in fact he did not die until September 15, 1900; that the petitioner does not remember of having made said affidavit and verily believes that he did not make it, but that if such affidavit was made it was under a wrong apprehension and for the use and allotment of, another child; that he has good reason to believe, and does believe that by some inadvertence or some mistake "being made somewhere the names of the two children have been confused." He asks that the case be re-opened, and makes affidavit that said minor died on the 15th day of September, 1900.

Attached to the petition is an affidavit of William Ditzler, who says that Himer Barnett died on the 15th day of September, 1900, at 7 o'clock, A.M., and was buried at 2 o'clock, P.M. of the same day, and "that he was present and participated in the burial of said Himer Barnett."

It is set forth in the affidavit of C.P.Summers, also attached to the petition, that Himer Barnett was born on the 8th day of September, 1899, and died on September 15, 1900.

The Commission say that from the petition and affidavits thereto attached it would seem that the case should be re-opened and an opportunity given the parties in interest to introduce further evidence, and they so recommend. The office concurs in their recommendation.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

CAW-d.

Cr En 563

Muskogee, Indian Territory, June 6, 1905.

Barclay Morgan,
Attorney-at-Law,
Henryetta, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of May 30, 1905, in which you ask to know the status of the application for the enrollment of Tom Barnett as a citizen of the Creek Nation.

In reply you are advised that this case is pending before the Commission. When final action is had in the matter, the applicant and his attorney will be duly notified.

Respectfully,

Commissioner in Charge.

8810

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
I. 1412

Muskogee, Indian Territory, August 1, 1904.

Tom Barnett,

Senora, Indian Territory.

Dear Sir:

In the matter of your petition to reopen the enrollment of Himer Barnett, deceased, you are advised that on July 22, 1904, the Department reopened the case.

You are hereby notified that you will be allowed a reasonable time within which to submit further evidence in the case.

Respectfully,

Commissioner in Charge.

Register/

J.H.B

I. 1412

Muskogee, Indian Territory, August 1, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

In the matter of the petition of Tom Barnett to reopen the enrollment of Himer Barnett, deceased, you are advised that on July 22, 1904, the Department reopened the case.

You are hereby notified that Tom Barnett, father of said Himer Barnett, will be allowed a reasonable time within which to submit further evidence in the case. The Creek Nation will be permitted to introduce evidence relative to the right to enrollment of said Himer Barnett.

Respectfully,

Commissioner in Charge.

I, 1412.

Muskogee, Indian Territory, August 1, 1904.

Eaton & Morgan,

Attorneys for Tom Barnett,

Henryetta, Indian Territory.

Gentlemen:

In the matter of the petition of Tom Barnett to reopen the enrollment of Himer Barnett, deceased, you are advised that on July 22, 1904, the Department reopened the case.

You are hereby advised that the applicant will be allowed a reasonable time within which to submit further evidence in the case.

Respectfully,

Commissioner in Charge.

Cr En 663

Oct, 2

Muskogee, Indian Territory, ~~July 31,~~ 1906.

The Honorable,

The Secretary of the Interior.

Sir:

February 13, 1904 (I.T.D.1156-1904), the Department authorized the cancellation of the name of Elmer Barnett on the approved rolls of Creek citizens by blood, No. 4503, for the reason that it appeared from the affidavit of Thomas Barnett that said Elmer Barnett died May 9, 1900.

July 22, 1904 (I.T.L.8804-1904), the Department, upon application of Thomas Barnett, reopened the case and directed the Commission to the Five Civilized Tribes to allow the applicant a reasonable time within which to submit further evidence.

August 1, 1904, the parties in interest were notified of the action of the Department.

Motions for rehearing were submitted August 10 and September 15, 1904.

It now appears from the evidence that said Elmer Barnett was born prior to July 1, 1900, and died subsequent to that date.

In view of the evidence, it is respectfully recommended

Secretary E.

that the name of Elmer Barnett be restored to the approved roll of citizens by blood of the Creek Nation, at No. 4503.

The record in rehearing is enclosed.

Respectfully,

Commissioner.

Through the
Commissioner of Indian Affairs.

WGH-L-7-1

COPY.

Refer in reply to the following
Land 79381-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. October 30, 1905.

The Honorable,

The Secretary of the Interior

Sir:

~~[illegible]~~ February 13, 1905, I.T.D.1156, the Department authorized the cancellation of the name of Himer Barnett on the approved roll of citizens by blood of the Creek Nation, No.4503, for the reason that appeared from the affidavit of Thomas Barnett, that Himer Barnett died May 9, 1899.

July 22, 1904, I.T.D.5864, the Department, upon the application of Thomas Barnett, reopened the case and directed the Commission to the Five Civilized Tribes to allow the applicant a reasonable time within which to submit further testimony.

I now have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 2, 1905 stating that on August 1, 1904, the parties in interest were notified of the Department's action; that on August 10 and September 15, 1904, testimony in the rehearing was submitted and the evidence shows that Himer Barnett was born prior to July 1, 1900, and died subsequent to that date.

The Commissioner recommends that the name of Himer Barnett be restored to the approved tolls of citizens by blood of the Creek Nation at No.4503.

The testimony in the case shows that Himer Barnett was born on September 8, 1899, and that he died on or about September 15, 1900. As the applicant was born prior to July 1, 1900 and did not die until after that date, he is entitled to enrollment and the Commissioner's recommendation is concurred in.

Very respectfully,

C F Larrabee
Acting Commissioner

GAW-GH

V #553

GR

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D.1156-1904
14358-1905

November 6, 1905.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 13, 1904(I.T.D.1156), the Department directed the cancellation of the name of Himer Barnett, opposite No.4503 on the approved partial rolls of citizens by blood of the Creek Nation, for the reason that it appeared from the affidavit of Thomas Barnett, father of said child, that the said Himer Barnett aforesaid, died May 9, 1899.

July 22, 1904(I.T.D.5804), the Department, upon the application of Thomas Barnett who filed affidavits in support thereof, reopened said case and directed the Commission to the Five Civilized Tribes to allow the applicant a reasonable time within which to submit further testimony.

October 2, 1905, you retransmitted the record on the rehearing had therein, and from the evidence submitted it appears that the said Himer Barnett was born prior to July 1, 1900, and died subsequent to said date, towit, on or about September 15, 1900. You recommend that the name of Himer Barnett, deceased, be restored to the approved roll of citizens by blood of the Creek Nation at No. 4503 thereon.

The office of Indian Affairs reporting thereon October 30, 1905, concurs in your recommendation. A copy of its letter is inclosed.

The Department concurring in the recommendations made hereby rescinds its former action of February 13, 1904, directing the cancellation of the name of Himer Barnett from the approved roll of citizens by blood of the Creek Nation, and hereby directs that the name of Himer Barnett be restored to the approved roll of citizens by bloodof the Creek Nation at No.45o3 Thereon.

Respectfully,

Thos Ryan
First Assistant Secretary

1 inclosure

V

Mn.553

Muskogee, Indian Territory, November 14, 1905.

Chief Clerk,

Creek Land Office.

Dear Sir:

You are hereby notified that under date of November 6, 1905, the Department concurred in the recommendation of the Commissioner to the Five Civilized Tribes, of October 2, 1905, that the name of Himer Barnett, deceased, be restored to the approved roll of citizens by blood of the Creek Nation.

You are accordingly directed to note the restoration of said name on the copy of the roll in your possession.

Respectfully,

Commissioner.

Mn.553

Muskogee, Indian Territory, November 14, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 6, 1905, the Department concurred in the recommendation of the Commissioner to the Five Civilized Tribes, of October 2, 1905, that the name of Himer Barnett, deceased, be restored to the approved roll of citizens by blood of the Creek Nation.

You are accordingly notified that said name has been restored to the approved roll of citizens by blood of the Creek Nation and that application for a selection of land in the Creek Nation, may now be made by the legal representative of said Himber Barnett, deceased.

Respectfully,

Commissioner.

Mn.553

Muskogee, Indian Territory, November 14, 1905.

Maton & Morgan,

Henryetta, Indian Territory.

Gentlemen:

You are hereby notified that under date of November 6, 1905, the Department concurred in the recommendation of the Commissioner to the Five Civilized Tribes, of October 2, 1905, that the name of Himer Barnett, deceased, be restored to the approved roll of citizens by blood of the Creek Nation.

You are accordingly notified that said name has been restored to the approved roll of citizens by blood of the Creek Nation and that application for a selection of land in the Creek Nation, may now be made by the legal representative of said Himer Barnett, deceased.

Respectfully,

Commissioner.

En. 553

Muskogee, Indian Territory, November 14, 1905.

Tom Barnett,

Henryetta, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 6, 1905, the Department concurred in the recommendation of the Commissioner to the Five Civilized Tribes, of October 2, 1905, that the name of your minor child, Himer Barnett, deceased, be restored to the approved roll of citizens by blood of the Creek Nation.

You are accordingly notified that said name has been restored to the approved roll of citizens by blood of the Creek Nation and that application for a selection of land in the Creek Nation, may now be made by the legal representative of said Himer Barnett, deceased.

Respectfully,

Commissioner.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR. Creek En. 553.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The Honorable

The Secretary of the Interior.

Sir:

February 13, 1904 (I.T.D. 1156-1904) the Department authorized the cancellation of the name of Himer Barnett on the approved rolls of Creek citizens by blood, No. 4503, for the reason that it appeared from the affidavit of Thomas Barnett that said Himer Barnett died May 9, 1900.

July 22, 1904 (I.T.D. 5804-1904) the Department upon application of Thomas Barnett reopened the case and directed the Commission to allow the applicant a reasonable time within which to submit further evidence.

August 1, 1904, the parties in interest were notified of the action of the Department.

Testimony in rehearing was submitted August 10 and September 15, 1904.

It now appears from the evidence that said Himer Barnett was born prior to July 1, 1900, and died subsequent to that date.

Secretary--2

In view of the evidence, the Commission has the honor to recommend that the name of Himer Barnett be restored to the approved roll of citizens by blood of the Creek Nation, at No. 4503.

The record in rehearing is inclosed.

COMMISSION TO THE FIVE CIVILIZED TRIBES

_____
CHAIRMAN

_____
COMMISSIONER

_____
COMMISSIONER

Through the

Commissioner of Indian Affairs.

WGH-2-7-12.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

SUBJECT:

Number of inclosures

CR EU 554

CR EU 554

Copy

Muskogee, Indian Territory, February 14, 1903.

P. G. Hunter,

Clerk in charge Cherokee Land Office,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 7, 1903, asking if any application has been made for the enrollment of Ruby Callahan as a Creek citizen, and if so, what disposition has been made thereof.

Replying thereto, you are advised that the records of this office show that there was filed with the Commission on June 28, 1901, a birth affidavit in the matter of the application for the enrollment of Ruby Callahan, a daughter of W. K. Callahan, a Creek citizen, and Alice Callahan, a Cherokee citizen, as a citizen of the Creek Nation, but that no disposition has been made of said application for the reason that it appears from a notation on said birth affidavit that the said Ruby Callahan has been enrolled as a citizen of the Cherokee Nation on Cherokee Indian Card Field No. 33.

You are further advised that S. B. Callahan, under power of attorney from W. K. Callahan, made application and elected to have Mary Alice Callahan, a sister of the said Ruby Callahan, enrolled as

a citizen of the Creek Nation, but that no election has been made for the enrollment of said Ruby Callahan, as a Creek citizen. If an election is made for the enrollment of the said Ruby Callahan as a citizen of the Cherokee Nation, you are requested to advise the Commission thereof.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, September 3, 1903.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

In reply to a verbal request, in the matter of the application for the enrollment of the minor child, Ruby Callahan, and also referring to a letter from the Creek Enrollment Division dated February 14, 1903, you are advised that the application for the enrollment of the said Ruby Callahan, as a citizen of the Creek Nation, has not been disposed of by the Commission.

Respectfully,

Chairman.

Cherokee 38-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 12, 1902.

In the matter of the application of Alice Callahan for the enrollment of herself and children, Mary A. and Ruby Callahan, as citizens by blood of the Cherokee Nation.

Reuben A. Evans, being sworn and examined by the Commission, testified as follows:

Q What is your name? A Reuben A. Evans.
Q What is your postoffice address? A Muskogee.
Q Are you representing by power of attorney Alice A. Callahan and daughter Mary Alice Callahan? A Yes sir.
Q Do you know whether an application has been made to this Commission for the enrollment of this child, Mary A. Callahan, as a citizen of the Creek Nation? A That is my understanding, yes sir.
Q For what purpose was this application made for the enrollment of this child as a citizen of the Creek Nation? A Well my understanding was she is a Creek and Cherokee both, and they get more land in the Creek Nation than they do in the Cherokee Nation too and Mr. Callahan here, her grandfather, wants to enroll her with her father in the Creek Nation. The reason I got these in the first place is that you people made a rule that the child had to follow its mother; that is the reason I got this power of attorney to allot for the children in the Cherokee Nation, and afterwards found we could allot in the Creek Nation and would rather there on account of the difference in the amount of land.
Q If I understand you correctly, the only reason the application was made both as a Cherokee and a Creek was in order to make certain that it would get on the rolls of one of the two nations? A Yes sir, that was the case.
Q Has this child's grandfather, S. B. Callahan, made application for the enrollment of this child as a Creek citizen? A Yes sir.
Q Has there been any land reserved in the Creek Nation for this child? A I think he has the land reserved for her.
Q Now, this other child, Ruby, has been enrolled as a citizen of the Cherokee Nation? A Yes sir, we have a certificate of birth here with these papers.
Q And this child is to follow its mother? A Yes sir, it is to follow its mother.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rutenbergee

Subscribed and sworn to before me this 15th day of December, 1902.

B. D. Jones
Notary Public.

Creek No.
Cherokee No. 33.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., AUGUST 2, 1904.

In the matter of the enrollment of Ruby Calahan as a citizen by blood of the Creek Nation.

REUBEN A. EVANS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q. What is your name? A. Reuben A. Evans.
Q. How old are you? A. 53.
Q. Your post office address? A. Muskogee, Indian Territory.
Q. Are you a citizen of any of the Five Civilized Tribes in Indian Territory? A. Cherokee.
Q. Are you personally acquainted with Alice Calahan? A. Yes, sir.
Q. Do you know her daughter, Ruby Calahan? A. Yes, sir.
Q. Are you any relation to these applicants? A. She is a neice of mine by marriage; that is, Alice Calahan.
Q. Have you heretofore been authorized under power of attorney executed by Alice Calahan to represent her and her two children Mary Alice and Ruby Calahan in the matter of the selection of allotments and the enrollment as citizens of the Cherokee and Creek tribes? A. Yes, sir, in the commencement I had Alice, but afterwards I let her grandfather take her to enroll in the Creek Nation, but originally I had authority for all.
Q. You appeared before the Commission at its office at Muskogee, Indian Territory on February 15, 1904, and elected for Ruby Calahan to be enrolled as a citizen of the Cherokee Nation? A. Yes, sir.
Q. I understand that Alice Calahan's intention at this time is to relinquish that election and have the child enrolled as a citizen of the Creek Nation? A. Yes, sir.
Q. Do you relinquish all your rights under this power of attorney to have Ruby Calahan enrolled as a citizen of the Cherokee Nation?
A. Yes, sir.

WITNESS EXCUSED.

ALICE CALAHAN, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q. What is your name? A. Alice Calahan.
Q. Your age? A. 25.
Q. Your post office address? A. Owyhee, Nevada.
Q. Are you a citizen of any of the Five Civilized Tribes in Indian Territory? A. Cherokee.
Q. Cherokee by blood? A. Yes, sir.

BY THE COMMISSION:

Witness Alice Calahan is identified as a citizen by blood of the Cherokee Nation, the name appearing upon the final rolls of the citizens of the Cherokee Nation as approved by the Secretary of the Interior opposite No. 22106.

Q. You are the mother of Ruby Calahan? A. Yes, sir.
Q. When was this child born? A. On January 7, 1901.
Q. Who is the father of the child? A. Walter K. Calahan.
Q. The father of the child and your husband is a citizen of the Creek Nation, is he not? A. Yes, sir.

BY THE COMMISSION:

The name of the father of Ruby Calahan, Walter K. Calahan, appears upon the final rolls of the citizens by blood of the Creek Nation, as approved by the Secretary of the Interior, March 13, 1902, opposite No. 1538.

Q. Has any selection of allotment been made for the child, Ruby Calahan in either the Creek or the Cherokee Nations? A. We had thought of one in the Cherokee Nation, but not in the Creek Nation.
Q. Have you actually made any selection? A. No, sir.
Q. It appears that this child, Ruby Calahan, is entitled to enrollment as a citizen by blood of the Cherokee or Creek Nations in Indian Territory. The Act of Congress approved June 28, 1898, provides, however, as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

Under this provision of the Act of June 28, 1898, do you elect for your minor child, Ruby Calahan, to have her enrolled as a citizen by blood of the Cherokee or Creek Nations? A. The Creek Nation.
Q. In the event of the approval of her enrollment as a citizen of the Creek Nation, do you relinquish all her right, title and interest in and to the lands and tribal property of the Cherokee Nation? A. Yes, sir.

WITNESS EXCUSED.

Mildred S. Cummings, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly reported the testimony in the above cause, and that the foregoing is a true and correct transcript of her stenographic notes thereof.

Mildred S. Cummings

Subscribed and sworn to before me this 2nd day of August, 1904.

Chester B. Stewart
Notary Public.

En. 654.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Ruby Callahan, as a Citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on August 2, 1904, Alice Callahan appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child Ruby Callahan, as a citizen by blood of the Creek Nation.

It appears from the evidence that Reuben A. Evans, under power of Attorney, had elected to have said Ruby Callahan enrolled as a citizen by blood of the Cherokee Nation, but has since relinquished all rights under said power of Attorney to have said Ruby Callahan enrolled in said Cherokee Nation.

The evidence further shows that the name of Alice Callahan, mother of said Ruby Callahan, appears upon the final rolls of the citizens of the Cherokee Nation, as approved by the Secretary of the Interior, opposite No. 22108.

The evidence further shows that the name of Walter K. Callahan, father of said Ruby Callahan, is contained in the partial list of Creek citizens by blood, approved by the Secretary of the Interior, March 13, 1902, No. 1538.

The evidence further shows that said Ruby Callahan was born January 7, 1901, and that she was living at the date of the application herein.

It further appears that election has been duly made for the enrollment of said Ruby Callahan as a citizen by blood of the Creek Nation.

It is, therefore, the opinion of the Commission that said Ruby Callahan should be enrolled as a citizen by blood of the Creek Nation in accordance with the provision of the Act of Congress , March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 8 – 1905

Creek 8n 864

Muskogee, Indian Territory, February 6, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ruby Callahan as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Ruby Callahan will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JY-6-6E.

20 Ens. # 554

IN RE

Application for Enrollment of

INFANT CHILD

Ruby Callahan

as a citizen of

Creek Nation.

Approved. 190

Commissioner.

Alice Mary Callahan
Ruby Callahan
Charles
Callahan

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

June 28. 1901

ACTING CHAIRMAN.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Ruby Callahan (Name of child), born on the 7th day of January, 1901

Name of Father: H. K. Callahan, a citizen of the Creek Nation.

Name of Mother: Alice Callahan, a citizen of the Cherokee Nation.

Post-office, Sacaton Arizona

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... District.

I, Alice Callahan, on oath state that I am twenty two years of age and a citizen, by blood, of the Cherokee Nation; that I am the lawful wife of H. K. Callahan, who is a citizen, by blood, of the Creek Nation, that a female (male or female) child was born to me on the 7th day of January, 1901; that said child has been named Ruby Callahan, and is now living.

Alice Callahan

WITNESSES TO MARK

(Must be Two Witnesses) Ephraim P Higgins
Lillian H. Higgins

Subscribed and sworn to before me this 4th day of May, 1901.

Elmer Bailey
U. S. INDIAN AGENT
SACATON, ARIZ. NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... District.

I, Dr Henry Bishop, a ..... , on oath state that I attended on Mrs. Alice Callahan, wife of H K Callahan, on the 7th day of January, 1901; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Ruby Callahan

H K Callahan M.D.

WITNESSES TO MARK

(Must be Two Witnesses) Ephraim P Higgins
Lillian H. Higgins

Subscribed and sworn to before me this 4 day of May, 1901.

Elmer Bailey
U. S. INDIAN AGENT
SACATON, ARIZ. NOTARY PUBLIC

20 Enr. #554

IN RE

Application for Enrollment of

INFANT CHILD

Ruby Callahan

as a citizen of

Creek Nation.

Approved, 190

Commissioner.

Alice [illegible] as
Ruby Callahan
[illegible]

FILED
June 28. 1901

A. TING CHAIRMAN.

QL EN 555

3.90

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREVINRIDGE,
W. B. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

B. A. 44.

Muskogee, Indian Territory, September 27, 1900.

Annie Field,

Eufaula, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Mattie Field, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

[redacted]

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES/
Muskogee, I. T., July 19, 1904.

In the matter of the application for the enrollment of Mattie Fields as a citizen by blood of the Creek Nation.

WASHINGTON FIELDS, being duly sworn, testified as follows:

Through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A I don't care to make any statement. She is dead and it would be no benefit to her and I don't wish to recall their names.

Q An affidavit in the matter of the birth of Mattie Fields was filed with the Commission and the Commission now desires to know whether the date given in that affidavit is correct and as to whether or not she is now living? A The statement in the affidavit is correct.

Q Do you remember the date of her birth? A I don't know.

Q Was there a record made of the date of her birth? A No, sir.

Q Where did you obtain the date of the birth as at the time the affidavit was executed? A I want to know why you want these things. She is dead and you can't give land to the dead and I don't want it.

Q The affidavit we have just referred to when executed and sent to the Commission constituted an application to the Commission for her enrollment as a citizen of the Creek Nation and no further evidence has been submitted and before the Commission can decide whether she or, if she is dead, her heirs is entitled to receive allotments. The Commission must first obtain evidence showing whether she is living and if she is dead, the date of her death as near as can be established. You are the father of Mattie Fields are you not? A Yes, sir, I am the father of the child is why I don't want to recall her name.

Q There is no desire on the part of the Commission to burden you with grief because of the loss of your family by death. This case is before the Commission and the evidence, just stated as being desired, must first be obtained before this case can be disposed of intelligently. You are the father of the child and probably can give us more correctly the date of the birth and the date of the death than any one else. The Creek agreement provides that allotment be made to the heirs of deceased citizens in certain cases. If Mattie is dead the Commission desires to know as near as can be established the date of her death so that it can determine whether or not the h eirs are entitled to receive allotments.

With this understanding are you willing to proceed and give us the information desired? A I really haven't any memory as to the date but Robert Selumber and my wife made out the affidavit and it was made out about two years ago and the child was then living.

Q To the best of your recollection how old was Mattie when the affidavit was made out? A When she died she was about two and a half years old.

Q How long has she been dead? A It is some where about two year an the whole think combined she would probably be about four years old now.

Q As I under stand you, if she were now living you think she would be about four years old? A Yes, sir.

Q And how old was she when she died? A She was a little over two years old.

Q And how long ago now, to the best of your knowledge, is it since she died? A I am very uncertain, but it ranges to the best of my

judgement, from two to three. I am not exact but it is all of that. That is my best judgment.

Q Now this is Mattie that you have just referred to? A Yes, sir.
Q And you are her Mother are you? A Yes, sir.
Q By what name are you enrolled by the Commission? A Washington Fields.
Q Mattie goes by that name as you? A Yes, sir.
Q Where are you? A During the Civil War I was about two years
Q Where are you living?
Q What is your post office address? A Eufaula.
Q Are you a Citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Eufaula Township.
Q Who was the mother of Mattie Fields? A Annie Fields.
Q Who was your wife was she? A Yes, sir.
Q Is she living? A She died.
Q What town did she belong to? A Tullahassochee.
Q What is the date of Annie's death? A June 25, 1904.

ROBERT SELUMMER, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Robert Selumber.
Q What is your age? A About 37.
Q What is your post office? A Get my mail at Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Washington Fields? A Yes, sir.
Q Did you know a child of his named Mattie? A Well acquainted with the child.
Q To the best of your knowledge how long has Mattie been dead? A I don't know. I have really forgotten the time. There has been two children lost after the death of Washington Fields' child, Mattie. Mattie died since the Locating Party was up here about Preston. The reason I didn't pay any attention to it was that while that Locating Party was at Preston they told them that now would be the last chance and that any body who was left off would be out and they took the child up there and made out a birth affidavit and I supposed it was all settled.
Q Do you remember now the date of the birth was established when they made out that affidavit? A I don't remember just now but the time seemed to be pretty well known and we took it up there and established the time when the affidavit was made and I took no further notice of it.
Q To the best of your knowledge how old was Mattie when she died? A She was something over a year old. The child could walk well.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this August 8, 1904.

Charles A. Sawyer
Notary Public.

No. 555.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the application for the enrollment of Mattie Field as a citizen by blood of the Creek Nation.

STATEMENT.

The records of the Commission examined and it appears therefrom that the names of Washington Field and Annie Field, father and mother of said applicant, Mattie Field, are contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, November 14, 1902, Nos. 5554 and 5555, respectively.

Chairman.

Muskogee, Indian Territory,
September 20, 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of Mattie Field, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

This record in this case shows that on [illegible] Washington Field appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Mattie Field, deceased, as a citizen by blood of the Creek Nation. Further proceedings in the matter of said application had September 30, 1904.

The evidence shows that said Mattie Field was the child of Washington Field and Annie Field, whose names are contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior November 14, 1902, Nos. 9858 and 9859, respectively, and that said Mattie Field was born prior to July 1, 1900 and died subsequent to that date.

It is, therefore, the opinion of the Commission that said Mattie Field, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provision of the Act of Congress March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

FEB 3 - 1905

Creek 88 888

Muskogee, Indian Territory, February 6, 1906.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mattie Field (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Mattie Field (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JYM-6-06.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1905.

Washington Field,
Nuyaka, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Nattie Field, deceased, is contained in the partial list of Creek citizens, approved by the Secretary of the Interior April 6, 1905, and that application for a selection of land in the Creek Nation may now be made for the heirs of said child, at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

IN RE

Application for Enrollment of

INFANT CHILD

Mattie Tiger

as a citizen of

Creek Nation.

Approved, 1901

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible]

[illegible]

ACTING CHAIRMAN.

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,
of Mattie Fields (Here insert name of child), born on the 10 day of January, 1900
Name of Father: Washington Fields, a citizen of the Creek Nation,
Name of Mother: Annie Fields, a citizen of the Creek Nation,
Post-office, Eufaula Ind Ter

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Annie Fields, on oath state that I am 22 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful wife of Washington Fields, who is a citizen, by blood, of the Creek Nation, that a female (male or female) child was born to me on the 10 day of January, 1900; that said child has been named Mattie Fields, and is now living.

her
Annie X Fields
mark

WITNESSES TO MARK:
(Must be Two Witnesses) J. D. Berry
W. A. Wallace

Subscribed and sworn to before me this 23 day of August, 1901.

William J Martin
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Henry Sebumber, a Creek Citizen by blood, 25 years old, on oath state that I attended on Mrs. Annie Fields, wife of Washington Fields, on the 10 day of January, 1900; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Mattie Fields.

his
Henry X Sebumber
mark

WITNESSES TO MARK:
(Must be Two Witnesses) J. D. Berry
W. A. Wallace

Subscribed and sworn to before me this 23 day of August, 1901.

William J Martin
NOTARY PUBLIC.

CR 15N 66C

CR 15D 556

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 11, 1904.

In the matter of the application for the enrollment of Lizzie Tiger, deceased, as a citizen of the Creek Nation.

ROBERT PALMER, being duly sworn, testified as follows:

Through L. C. McIntosh, Official Interpreter:

By Commission:

Q What is your name? A Robert Palmer.
Q What is your age? A Some where about 36 and 37.
Q What is your post office? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tullahassochee.
Q Do you know Lizzie Tiger? A Yes, sir.
Q What relation was Lizzie Tiger to you? A We were brother and sister. One father and one mother.
Q Do you know when Lizzie Tiger died? A I don't know exactly the date.
Q What month did she die to the best of your recollection? A I know the date of the month but don't know exactly the year.
Q What was the month then? A It was October. About the 5th of October.
Q How many years has Lizzie Tiger been dead, to the best of your recollection? A Something near five years. Going on five years.
Q Did she die before or after Sartie died? A Sartie died before.
Q How long before? A I don't know the exact time between them.
Q Did they both die the same year or was there a years difference in their deaths? A I can't state the exact time.
Q State to the best of your knowledge? A To the best of my mind there must be about a years difference, it may be a little longer but I think that it is about a years difference.
Q And you say that Lizzie Tiger died last? A Yes, sir.
Q How old was Lizzie when she died? A I can't be exact but I have an idea. I think she must been about 40.
Q Have you, or do you know whether any one has a record of the date of the death of Lizzie Tiger? A Iam not very certain myself if any one has got it.
Q Was Lizzie Tiger married? A Yes, sir, her husband was in jail.
Q Is he living? A He died.
Q What is his name? A Kotcho Emarthla.
Q Also known as William Tiger? A Yes, sir.
Q You say Kotcho Emarthla was in jail when Lizzie died? A Yes, sir
Q How many times has he been in jail? A I don't know how many times.
Q More than once? A They used to put him in jail down at Fort Smith.
Q Where was he in jail at the time Lizzie died? A Muskogee.
Q How long had he been there when Lizzie died? A Nine months.
Q What was he in jail for? A Murder.
Q Do you remember the time that William Tiger or Kotcho Emarthla was tried by the Creek Courts? A Yes, sir, I knew the time.
Q Was Lizzie Tiger dead then? A No, sir.
Q How long after that until she died? A About nine months. Her husband got back about a day after she was married.
Q He was released then, by the United States Court, about the time Lizzie Tiger died? A Yes, sir.
Q Was William Tiger or Kotcho Emarthla also known by the name of John Tiger? A Yes, sir.

JOHN CHISHOLM, being duly sworn, testified as follows:

Through L. G. McIntosh, Official Interpreter:

By Commission:

Q What is your name? A John Chisholm.
Q What is your age? A 74.
Q What is your post office? A Eufaula.
Q Are you a citizen of the Creek Nation Tullahassehe town? A Yes, sir.
Q Did you know Lissie Tiger? A Yes, sir.
Q Do you know when she died? A I know when she died--I know that she died.
Q Do you know William Tiger also known as John Tiger or Cotcha Emarthla? A Yes, sir.
Q He is the man who killed Selitha McIntosh? A Yes, sir.
Q Do you know whether Lissie died before or after he committed that crime? A After.
Q Did she die after or before he was released from prison? A He was in jail when she died.
Q How long after shedied until her returned home? A I don't have any idea about that.
Q What is your best recollection? A I heard of him coming back after his wife died but I don't know exactly when after.
Q You remember about his being turned over by the Eufaula District Court to the United States Court? A Yes, sir.
Q How long after that to the best of your recollection until Lissie died? A I know of the death of the woman and know her but don't know the exact time.

JAMES SULPHUR, being duly sworn, testified as follows:

Partly through L. G. McIntosh, Official Interpreter:

By Commission:

Q What is your name? A James Sulphur.
Q What is your age? A 82.
Q What is your post office? A Barney.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hickory Ground.
Q Did you know Lissie Tiger, wife of Cotcha Emarthla? A Yes, sir, I knew her.
Q Were you present when she was burried? A Yes, sir.
Q Who burried her? A Several of us.
Q Do you remember the date of the burfial? A I haven't got it in memory but I have a record of it at home.
Q What is it written in? A Just a small memorandum book.
Q What kind of a book has it? A Brown.
Q Hard or soft? A Like that (indicating a book about 8 by 21/2 in. containing blank pages and having a thick paper back)
Q Is the record written with pen or pencil? A Pencil.
Q Black mark? A Yes, sir.
Q How did you happen to make a record of the date of her death? A I thought probably they would need it in their business affairs and made a memorandum of it and when William Tiger came back I turned it over to him and he made an affidavit on it.
Q Do you know whether any one has ever filed for Lissie Tiger? A No, I don't.
Q Are any relation of yours? A Related by clan.
Q You mean that she is a member of the town to which you belong? A Is not a member of the town.
Q Are you in possession of the record at this time? A Yes, sir. I was the only one in the neighborhood who could make a record and I know that when Tiger got back he would need it and I took upon myself the responsibility of making it.

[illegible]--ils--8

I, D. R. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

D. R. Skaggs

Subscribed and sworn to before me this 2nd day of August, 1904.

Charles J. Stanger
Notary Public

Ex. 556.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 20, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Lizzie Tiger, deceased, as a citizen by blood of the Creek Nation.

ROBERT SELUMBER, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Robert Selumber.
Q You have heretofore given testimony in the case of Lizzie Tiger, have you, at Mellette? A Yes, sir.
Q Was Lizzie Tiger a full-blood Creek Indian? A Yes, sir.
Q Did she live in the Creek Nation all her life? A Yes, sir.
Q Was she living or dead when the Creek Land Office opened? A I did not keep any record of her death but according to my best recollection she was living when the land office opened.
Q Is James Sulfur here? A No, sir.
Q He said in his testimony, heretofore given, that he had a record of the date of her death? A That is what he stated in his testimony down there at Mellette but they didn't go any further into the matter. I have never seen the record that he claims to have.
Q Could you have James Sulfur come up to Muskogee and bring that record with him? A Yes, sir.
Q We need that record in order to tell when she died? A Yes, sir.
Q Is there any one here that would know when she died? A There were some parties here the other day but they have gone home.

---oooOOOOooo--

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 4th day of November 1904.

Chas. H. Hammer
Notary Public.

No. 156.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 27, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Lissie Tiger, deceased, as a citizen by blood of the Creek Nation.

JACKSON LEWIS, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Jackson Lewis.
Q How old are you? A About seventy-eight.
Q What is your post office address? A Mufaula.
Q What town do you belong to? A Properly I belong to Hitchitee but I am enrolled in Mufaula Canadian and have represented that town in the Creek Council.
Q Did you know Lissie Tiger? A Yes, sir.
Q She is dead is she? A Yes, sir.
Q How long has she been dead? A About four years.
Q Was she a sister of Robert Selumher? A Yes, sir.
Q Did she die before the Creek Land Office opened or after? A I think she died since the Creek Land Office opened.
Q How far did she live from you? A At the time she died I was living about twenty-two miles from her.
Q You are not positive than as to whether she was living when the Creek Land Office opened? A The word had gone out over the country and people were talking about filing and the allotment question was in the minds of the people and I saw her and she was very sick at that time.
Q Did she die from that sickness? A Yes, sir.
Q Did you know Kotcha Emarthla? A Yes, sir.
Q Was he the man that killed Selitka McIntosh? A Yes, sir.
Q Do you know whether Lissie Tiger died before or after McIntosh was killed? A Lissie died while Kotcha Emarthla was in jail.
Q Lissie was his wife wasshe? A Yes, sir.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Nov. 1904.

Charles H Swepston
Notary Public.

En. 536.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., November 26, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Lissie Tiger, deceased, as a citizen by blood of the Creek Nation.

JAMES SULPHUR, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A James Sulphur.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Eufaula.
Q Are you a citizen by blood of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hickory Ground.
Q You have heretofore given testimony in the case of Lissie Tiger have you? A Yes, sir.
Q You stated in your testimony that you had a record of the date of the death of Lissie Tiger, have you that record with you? A No, sir, the record is among my effects at my former home at Burney. I have moved away from there and have not yet finished removing my things to my present home near Eufaula.
Q Have you consulted that record lately? A Yes, sir.
Q According to that record when did Lissie Tiger die? A September 3, 1898.
Q Did you make that record? A Yes, sir.
Q What reason had you for making that record? A I was requested by her relatives, after she died, to inscribe the date of her death on the head-board of her grave and for that reason I entered the date of her death in the book which I have at Burney and the record that is inscribed on the head-board is taken from the record which I have.
Q Are you positive that Lissie Tiger died September 3, 1898? A Yes, sir.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did Lissie Tiger die before or after the opening of the Creek Land Office? A She died before the opening.
Q Are you positive that she died before the land office opened? A Yes, sir.
Q Was Lissie Tiger the wife of William Tiger? A Yes, sir.
Q Was she a relative of yours? A She was a Clan-kin of mine.

Witness excused.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 2 day of December, 1904.

Notary Public.

D. D.

En. 556

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lizzie Tiger, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on August 3, 1901, the affidavit of Robert Selumber relative to the death of Lizzie Tiger was filed with the Commission at Muskogee, Indian Territory, which said affidavit is considered by the Commission as an application for the enrollment of said Lizzie Tiger, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had July 11, October 20, October 27, and November 26, 1904.

A copy of the order of February 4, 1898, of the United States Court for the Northern District of Indian Territory in Criminal Case No. 1407, is made part of the record herein.

The evidence shows that said Lizzie Tiger, deceased, died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Lizzie Tiger, deceased, as a citizen by blood of the Creek Nation, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY

MAR 18 1905

L. 10

Dr.

Cr. L. 330.

Muskogee, Indian Territory, April 19, 1906.

Robert Bateman,

[redacted], Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your sister, Lizzie Tiger, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Registrar.
EM-4-19-06.

Cr. 1.086.

Muskogee, Indian Territory, April 19, 1909.

[illegible]
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lizzie Tiger, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

EM-4-19-09.

Muskogee, Indian Territory, April 19, 1906.

Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lizzie Tiger, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commission, dated March 16, 1906.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.
EE-4-19-70.

E.E.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 4782-1905 June 19, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

April 15, 1905, you transmitted the record of the application for the enrollment of Lizzie Tiger (deceased) as a citizen by blood of the Creek Nation, including your decision dated March 15, 1905, denying said application.

April 29, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated March 15, 1905, denying the application for the enrollment of Lizzie Tiger(deceased) as a citizen by blood of the Creek Nation is hereby affirmed.

Respectfully,

E A Hitchcock
Secretary

1 inclosure

[redacted]

[redacted]

Office of Indian Affairs,

Washington, April [redacted], 1906.

The Secretary,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 19, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of Lizzie Tiger, deceased.

March 15, 1906, the Commission decided adversely to the application.

The record shows that Lizzie Tiger died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

C F Larrabee

Acting Commissioner

M M M
W

Cr.No. [illegible]

Muskogee, Indian Territory, [illegible], 1906.

Robert Selumber,

Eufaula, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 12,1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of your sister, Lizzie Tiger, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19,1906, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Lizzie Tiger, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

CR EN 557

D. C. 111.

Muskogee, Indian Territory, February 1, 1904.

Thomas Washington,

Eufaula, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your uncle, Siah Sullivan, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said Siah Sullivan, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 11, 1904.

In the matter of the application for the enrollment of Siah Sullivan as a citizen by blood of the Creek Nation.

THOMAS WASHINGTON, being duly sworn, testified:

Partly through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Thomas Washington.
Q What is your age? A Be 24 the 18th of February.
Q What is your post office address? A Mellette.
Q You a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tuckabatchee.
Q Did you know Siah Sullivan? A Yes, sir.
Q Was he related to you? A Yes, sir.
Q What relation was he? A My uncle.
Q Did you execute an affidavit in the matter of the death of Siah Sullivan? A Yes, sir.
Q When did Siah Sullivan die? A I don't remember now just exactly when it was. It was along in the Fall.
Q Of what year? A 1901.
Q How long has Siah Sullivan been dead? A About eight years I guess.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was Siah Sullivan living at that time? A Dead.
Q Do you remember when the small-pox was so bad in the western part of the Creek Nation? A Yes, sir.
Q Was Siah Sullivan dead at that time? A Dead.
Q How long had he been dead? A One year and a half.
Q Do you remember the time of the $14.40 payment? A Yes, sir.
Q Was Siah Sullivan living then or dead? A Living.
Q How long after that until he died to the best of your recollection? A I suppose it would be about two years after that he died.
Q Can you read and write in English or Creek? A I can read and write a little in English and Creek.
Q Was there a record made of the date of the death of Siah Sullivan? A Yes, sir.
Q How long after his death before the record was made? A About the same day.
Q Who made the record? A There was a record but I don't know exactly who has the record now. The record might be at the house of Siah Sullivans niece.
Q What was her name? A Nettie Sullivan.
Q Where did you get the date that was put in the death affidavit that you executed? A I got it from the record.
Q Who made the record? A The man who made the record is dead. His name was Billy Gambler.
Q Describe the record? A It was written on a piece of paper. Writing paper pined together.
Q Made with pencil or pen? A Pencil.

SA-HE-PAH-KE, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Sa-he-pah-ke.
Q What is your post office address? A Mellette.

[illegible]

---oo0oo---

[illegible], on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

[illegible signature]

Subscribed and sworn to before me this August 8, [illegible].

[illegible signature]
Notary Public

No. 387

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF THE FIVE CIVILIZED TRIBES.

-(o)-

In the matter of the application for the enrollment of Sish Sullivan, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 11, 1899, [illegible] deceased, as a citizen by blood of the Creek Nation.

It appears from the evidence that said Sish Sullivan, deceased, died prior to April 1, 1899.

It is, therefore the opinion of the Commission that there is no authority of law for the enrollment of said Sish Sullivan, deceased, as a citizen by blood of the Creek Nation, and that the application as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,
FEB 8 - 1905

Creek 447

Muskogee, Indian Territory, January 5, 1900.

Thomas Pennington,
Holdenville, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your uncle, Micah Sullivan (deceased), as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Reporter.
JYM-3-19.

Creek 48 887

Muskogee, Indian Territory, February 8, 1905.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sinah Sullivan (deceased) as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Sign. Tams Bixby.

Chairman.

JYK-3.20.

COPY.

Creek 45 987

Muskogee, Indian Territory, February 8, 1908.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Hiah Sullivan (deceased) as a citizen by blood of the Creek Nation, including the decision of the Commission, dated February 8, 1908.

Respectfully,

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

JFM-8-81.

[illegible]

DEPARTMENT OF THE INTERIOR, GR. REX.

[illegible], WASHINGTON, March 14, 1906.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

February 3, 1906, you transmitted the record of the application for the enrollment of Siah Sullivan (deceased), as a citizen by blood of the Creek Nation, including your decision dated February 3, 1906, denying said application.

February 17, 1906, the Acting Commissioner of Indian Affairs, reporting in the matter, recommended that your decision, denying said application, be affirmed.

The Department concurs in the recommendation made, and your decision, denying said application, is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

Refer in reply to the following:
Land: 10635-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 17, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 3, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation by Siah Sullivan (deceased).

February 2, 1905, the Commission decided adversely to the application.

The record shows that Siah Sullivan died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the application is recommended.

Very respectfully,

C.F.Larrabee,
Acting Commissioner.

E.M.M.
W.

Muskogee, Indian Territory, March 15, 1906.

Thomas Washington,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 14, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 2, 1905, denying the application for the enrollment of your uncle, Siah Sullivan (deceased), as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 18, 1905.

M. L. Scott,
Attorney for the Application,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of March 14, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 8, 1905, denying the application for the enrollment of Siah Sullivan (deceased) as a citizen by blood of the Creek Nation.

Respectfully,

CR SOV 558

D. C. 88.

Muskogee, Indian Territory, January 30, 1904.

Wilson Brown,

Eufaula, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your sister, Millie Roberts, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said Millie Roberts, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Dawes-4.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 13, 1904.

In the matter of the application for the enrollment of Millie Roberts, deceased, as a citizen by blood of the Creek Nation.

Wilson BROWN, being duly sworn, testified as follows:

Through L. C. Mainsonn Official Interpreter:

By Commission:

Q What is your name? A Wilson Brown.
Q What is your age? A About 38.
Q What is your post office address? A Mellette. Used to be Eufaula.
Q You are a citizen of the Creek Nation? A I am.
Q To what town do you belong? A Artusse.
Q Do you know Millie Roberts? A I know her well.
Q She living or dead? A Died.
Q You executed a death affidavit in the matter of her death? A I made out one and took it to Muskogee.
Q What relation is Millie Roberts of you? A Sister of mine. One father and one mother.
Q How did you determine the date of the death when you came to making the affidavit? A We keep a kind of a record. We generally put it on the head-board of the grave. And I thought we had it in the trunk (pointing to a trunk in his wagon) but didn't, but I have the record at home.
Q Did you consult that record when you made out the affidavit? A Yes I consulted it. I know that she died in 1900 but don't know the date of the month.
Q You say your record is at home? A I got the record of my mother and Annie Roberts and Millie and I thought I had themdate in my trunk with me but I left it at home.
Q Who made the record of the date of the death of Millie? A I did. It is the same record that I left with the Commission.
Q You mean the one you consulted when you made out the death affidavit? A Yes, I thought probably there would be a time when that would be a question and I made out the record of the death.
Q You can read and write can't you? A I read and write the Creek Language. Do n't read and write English.
Q How long after the death of Millie Roberts until you made the record you refer to? A It was a few days afterwards before I copied the record, but it was on the head-board.
Q How long afterwards do you say before you made the record? A About two weeks.
Q And as I understand it you copied it from the head-board of the grave? A Yes, sir.
Q And was that head-board put there when Millie was burried? A Yes, sir.
Q And the writing was on it when it was placed in the grave? A Yes, sir.
Q Had you filed when Millie died? A No, sir, I had not filed.
Q How long after Millie died until you filed? A I suppose it was about a year. There was hardly any good land around there and I had to hunt up some land.
Q Do you remember when people began to file on their allotments in the Creek Nation? A A man like me hardly knew anything about filing when they began and I don't know when they began.
Q Do you remember the circumstance of the opening of the Creek Land office? A Yes, sir, I heard that the Commission was there to file people for their allotment but I waited until I understood the business of filing then filed.

Q Do you understand that the opening of the Creek Land Office and not the enrolling is what is referred to? A I don't understand it really but in conversation with other people I found out how to file.
Q You don't remember the circumstance of the Commission opening an office and receiving applications for allotments to citizens of the Creek Nation? A I don't know.
Q How many years has Millie been dead? A Some where about four yes years. May be a little longer.
Q About how old was Millie when she died? A She was older than me. Must have been some where about 38.

SALLIE TIGER, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:
Q What is your name? A Sallie Tiger.
Q What is your age? A I don't know.

The woman appears to be at least 28 years of age.

Q What is your post office address? A Mellette.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Kialigee.
Q Did you know Millie Roberts? A Yes, sir.
Q Was she any relation of yours? A No, sir.
Q Is she living? A She died.
Q How long has it been since she died? A Idon't know.
Q About how long? A About four years I suppose.
Q Do you know the exact date of her death? A I don't know.
Q Do you know the year she died? A I don't know.
Q Do you know the month she died? A I don't know exactly but think there were ripe corn and such.
Q You say corn was ripe when she died? A Corn was ripe and just hard enough to make Cold Flour or Puska the Indians call it. I was pounding corn to make that and she was heavy with a child and took sick that day and delivered a child and died.
Q That was Millie was it? A Yes, sir.
Q Now explain how hard corn must be to make this cold-flour? A As soon as the crust on the corn gets a little hard.
Q To the best of your recollection how many years ago was it that Millie died? A I don't know. Can't say exactly but suppose it must be the fifth year with this one.

WILSON BROWN recalled:

By Commission:
Q Have you obtained the book in which you made a record of the date of the death of Millie Roberts? A Yes, sir.

The witness presents a small memorandum book "Compliments of Muskogee Drug Co." in which is written various figures and accounts. On one page of which appears certain writings in the Creek Language, which, according to Official Interpreter McIntosh's translation, refers to the dates of death of various persons. The translation of these notes by Official Interpreter L. G. McIntosh is as follows:

"Millie Roberts died
October 6, 1900.
Annie Roberts died
February 13, 1897.
Lucy Sullivan died
January 1, 1900."

Q Was Annie Roberts filed? A Yes, sir.
Q What relation was she to you? A She was my sister's daughter. Millie Robert's daughter.

Q How long after Annie's death until you made the record of her death? A It was a good little while afterwards.
Q How long did she die before Millie died, to the best of your recollection? A She died before Millie died but they died close together.
Q How many years difference in the dates of their deaths? A Not quite a year.
Q According to your record there is three years and a half difference? A One is the birth. I got the birth affidavit and the death affidavit.
Q As I understand you then that date February 13, 1897 is the date of the birth and not the date of the death of Annie? A That is Annie's birth. She died in 1900.
Q Have you a record of the date of her death? A This February 13, 1897 is the date of the birth and the note following it is the date of the death.

The note immediately following the date of the birth as written in the memorandum book is translated by Official Interpreter, L. G. McIntosh, as follows:
"December 1900."

Q Is that the date of the death of Annie? A Yes, this is a correct copy of the date of the death of Annie.
Q From what did you copy it? A I had it in one of these other little books (referring to several small memorandum books) and transferred it to this book.
Q Did you write it in the other book, the one from which you copied it into this one, at the time Annie died? A Yes, sir. I haven't got the day of the month.
Q Which died first Annie or Millie? A Annie died first.
Q According to your death affidavit Millie died in October 1900 and according to your record Annie died in December 1900, if the record is correct then which died first? A I must have made a mistake but I thought I was correct. I am no writer and I might have made a mistake copying the month. I hardly know one month from another but I though I was correct in this.
Q Now which are you satisfied is correct, the record or your memory, which died first Millie or Annie? A The record ought to be correct. I don't know how I can remedy it. I thought it was correct but if it is not correct I don't suppose I can remedy it.
Q You are satisfied then that the record is correct? A I will accept the record. I copied this correct and this is before the Commission.
Q You remember well when you made out your death affidavit for Millie? A Yes, sir.
Q Did you consult any lawyer or notary public or any one as to what date you should put in, as to the date of the death of Millie? A No, sir. I made out the date myself.
Q Where did Millie die? A She died right across the Creek at her own home.
Q In the Creek Nation? A Yes, sir.
Q What town did she belong to? A Artusas.

THOMAS JONES, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:
Q What is your name? A Thomas Jones.
Q What is your age? A I don't know exactly my age but think I am over forty years old.
Q What is your post office address? A Wellette.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Artusas.
Q Did you know Millie Roberts? A Yes, sir. She is Wilson Brown's sister.

Q Do you know when she died? A Good while. I don't know the exact time with respect to the year.
Q Was she related to you? A No, sir.
Q How near did you live to her when she died? A About three and a half miles.
Q Can you tell me how many years she has been dead to the best of your knowledge? A I don't know. It must be 9 or 10 years since she died. I lived over there when she died and moved here and have been here six years.
Q You are positive about that are you? A That is just what I think.
Q Where is she burried? A I think that she was burried in the John Smith Burial Ground. She was giving birth to a child when she died.
Q Did the child she gave birth to live? A I don't know that. My wife knows more about it than I do.

GINDA JONES, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:
Q What is your name? A Ginda Jones.
Q What is your age? A I don't know.
Q About how old are you? A About 30.
Q What is your post office address? A Mellette.
Q Are you a citizen of the Creek Nation? A No.
Q Of what Indian Tribes are you a citizen? A I belong to the Ochessie Band of the Seminole Nation.
Q Have you received an allotment in the Seminole Nation? A Yes, sir.
Q Did you know Millie Roberts? A I don't know by Millie Roberts, I know her by Millie.
Q You knew a sister of Wilson Brown named Millie didn't you? A Yes, sir.
Q She is dead isn't she? A Yes, sir.
Q Do you know how long she has been dead? A I don't know.
Q What is your best recollection? A About 4 years.
Q How near did you live to her when she died? A A Little over a mile.
Q Were you present when she died? A She gave birth to a child.
Q Did the child live? A The child came alive but died shortly after.
Q Same day or week? A Something near a week.
Q Did you know a child of hers named Annie? A Yes, sir.
Q Didn't Annie die about the same time that Millie died? A Millie before Annie.
Q About how long after Millie died before Annie died? A About a year.
Q Annie died about a year after Millie died? A Yes, sir.
Q That is your best recollection? A Yes, sir.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 3rd day of August 1906.

Chas. A. Sampson

Notary Public.

Ex. 558.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-101-

In the matter of the application for the enrollment of Millie Roberts, deceased, as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

An examination of the 1895 pay-roll of the Creek Nation shows that Millie Roberts is identified on that roll at No. 109 Artussee Town.

Chairman.

Muskogee, Indian Territory,
September 23, 1904.

96

IN RE
THE DEATH OF

Millie Roberts

a citizen of the

Creek, Nation.

Approved ____ 190__

Commissioner.

On 1890 roll, page 1 as Mary
" 1895 " No. 109
Marked dead on 1895 roll
Probably died before Apr
1, 1899

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
Aug 26 1902
[signature]
ACTING COMMISSIONER

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Millie Roberts
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Eufaula, Ind. Ter., and died on the 6th day of Oct, 1900.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Wilson Brown, on oath state that I am 32 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula, Ind. Ter.; that I am brother of Millie Roberts,
(State relationship as: the father; a brother; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation; and that said Millie Roberts died on the 6 day of Oct, 1900.
(Here insert name of deceased.)

Wilson Brown

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 23 day of August 1902

Thos. F. Brown
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Mitchell Francis, on oath state that I am 29 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula, Ind. Ter.; that I was personally acquainted with Millie Roberts,
(Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation; and that said Millie Robert died on the 6 day of Oct, 1900.
(Here insert name of deceased.)

Mitchell Francis

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 23 day of August 1902

Thos. F. Brown
Notary Public.

3818

En. 666.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-in:-

In the matter of the application for the enrollment of Millie Roberts, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 13, 1904, Wilson Brown appeared before the Commission at Mellette, Indian Territory, and made application for the enrollment of the minor child, Millie Roberts, deceased, as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said applicant were had September 23, 1904.

A copy of the testimony in the matter of the application of Wilson Brown for the enrollment of his niece, Annie Roberts, deceased, as a citizen by blood of the Creek Nation, is made part of the record herein.

The evidence shows that said Millie Roberts, deceased, is identified on the 1895 pay-roll of said Nation.

The evidence further shows that said Millie Roberts died on October 6, 1900.

It is, therefore, the opinion of the Commission that said Millie Roberts, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the Act of Congress, June 28, 1898 (30 Stat. 495), and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JAN 6 1905

Creek Enr. 956

Muskogee, Indian Territory, January 8, 1906.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Millie Roberts, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Millie Roberts, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

WHH-6.

Creek Indian Card 4560.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, December 7, 1905.

In the matter of the enrollment of Millie Roberts , deceased, as a citizen by blood of the Creek Nation.

Johnson Phillips being duly sworn testified as follows through Alex Posey official interpreter.

By Commissioner.

Q What is your name? A Johnson Phillips.
Q What is your age? A I was born in 1867.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tuskegee
Q Did you know Millie Roberts? A Yes, sir
Q When did she die? A August 23, 1897
Q How do you fix the date of her death? A By the record in the Artussee churchbook. She was a member of the church and the record of her death was entered in the book on the day she died.
Q Who made the record? A Cully McNac, secretary of the church.
Q Are you positive that the date written in the churchbook is correct? A Yes, sir, it is so recognized by the church.
Q What position do you hold in Artussee church? A I am pastor of the church, I was pastor of the church at the time Millie Roberts died. I conducted the funeral services. I am positive that I am not mistaken.

Witness presents the record book of the Artussee church and on page 105 of said book appears the following entry: " Millie Roberts August 23, 1897".

Q Does this entry refer to the death of Millie Roberts? A Yes, sir.
Q Do you know whether or not any other record was made of her death? A The date of her death was written on the head board of her grave but the headboard has long since decayed.
Q Who wrote the record on the head board? A Cully McNac secretary of the church.
Q Were you present when he made the record? A Yes, sir.
Q Did the date which he wrote on the head board correspond with the date in the record book? A Yes, sir
Q Have you any interest in this case? A No, sir none whatever. Wilson Brown, brother of Millie Roberts, has asked me several times to examine the record in the book but I have never done so.
Q Do you remember the circumstance of the opening of the Creek land office? A Yes, sir.
Q Was Millie Roberts living at that time? A No, sir she was dead.

I, Alex Posey, on oath state that the above and foregoing is a true and correct transcript of my notes as taken in said cause on said date.

Alex Posey

Subscribed and sworn to before me this 22 day of December 1905.

J. M. McDermott
Notary Public.

CR EN 559

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 15, 1904.

In the matter of the application for the enrollment of David Roberts as a citizen by blood of the Creek Nation.

CINDA JONES, being duly sworn, testified as follows:

Through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Cinda Jones.
Q What is your age? A About 30.
Q What is your post office address? A Mallette.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Are you a citizen of the Seminole Nation? A Yes, sir.
Q Have you received an allotment as a Seminole? A Yes, sir.
Q For whom do you make application to the Commission for enrollment? A David Roberts.
Q Do you make application for the enrollment of David Roberts as a citizen by blood of the Creek Nation? A Yes, sir.
Q You desire to have him enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q How old is David Roberts? A I don't know exactly but I have a record. I don't know anything about dates.
Q Can you produce the record of the date of his birth? A My husband can.
Q Can you read and write in English or Creek? A No, sir.
Q Who made the record of the date of the birth of your child, David Roberts? A A young man by the name of Jim Anderso n, now in jail at Muskogee, made it.
Q How long after the birth of David before he put down the date of his birth? A The day that the child was born.
Q Describe the book or paper upon which the record is made? A It is a small piece of paper. It had a back but it is gone.

The witness presents a piece of paper, which appears to have been a leaf of a memorandum book, upon which is written various notes, in Creek, which Official Interpreter, L. C. McIntosh, states is the date of the birth. The note relating to the date of the birth he translates as follows:

"I Jim Anderson write this letter. December 6, 1899 Dave was born."

Q Was that your child for whom application is now made to the Commission for enrollment as a citizen of the Creek Nation? A Yes, sir, this is my child of which the date of the birth is here written. I wish to have him enrolled as a Creek Citizen.
Q Is David present here, your child? A Yes, sir.

The child is present and appears to be as old as the record presented tends to show.

Q Who is the father of David Roberts? A Noah Roberts.
Q Is he living? A Yes, sir.
Q Is he a citizen of the Creek Nation? A Yes, sir, of the Kialigee town.
Q Were you ever married to him? A I lived with him a while.
Q How long? A About six months.
Q Were you married to him? A We were not married. I suppose we were married under the old Indian Rule.
Q Where is Noah Roberts living now? A He lives down in here in this neighborhood.

Q Was Noah Roberts living with you when David was born? A No, sir.
Q Did he ever live with you after David was born? A No, sir. He deserted me in six months time.
Q Do you know whether Noah ever recognized David as his child? A Yes, sir.
Q Are you married now? A Yes, sir.
Q What is your husband's name? A Thomas Jones.
Q Was application ever made for the enrollment of your child, David Roberts, as a citizen of the Seminole Nation? A I don't know.

THOMAS JONES, being duly sworn, testified as follows:

Through L. C. McIntosh Official Interpreter:

By Commission:
Q What is your name? A Thomas Jones.
Q What is your age? A About 40.
Q What is your post office address? A Mellette.
Q Are you a citizen of the Creek Nation of Artussee Town? A Yes, sir.
Q Do you know whether application has ever been made for the enrollment of David Roberts, child of Cinda Jones, as a citizen of the Seminole Nation? A This child was enrolled and the child got per capita payment but this last year my wife went up there to draw for the child herself during the Seminole Council and to see about the per capita payment and stayed around there about three days and they decided there while in council that children of that age couldn't draw any annuity for they had not filed and having not filed were not citizens and could not receive any annuity and was put off the roll.
Q You mean the Seminole Trible Roll? A Yes, sir.
Q Then, as I understand it, up to that time David was considered a citizen of the Seminole Nation? A Yes, sir.
Q Do you know whether application was ever made to the Commission for his enrollment as a citizen of the Seminole Nation? A No, sir. We made application for his enrollment as a Creek Citizen. We made out an affidavit but we didn't have the record of the date of the birth and so we just made it out as we remembered it and the affidavit did not agree with this (referring to the record presented as evidence in this case) but this was found in the book that we keep our records in.
Q As I understand you then an affidavit was executed in the matter of his birth? A Yes, sir.

CINDA JONES recalled:

By Commission:
The records of the Commission show that an affidavit in the matter of the birth of David Roberts was executed on June 14, 1904 and filed with the Commission. Said affidavit states that David Roberts was born on the 6th day of December, 1901.

Q The affida vit, executed by Cinda Jones and Nanna Mallett, states that Dave Roberts was born December 6, 1901, is that correct or is it an error? A It is an error.

THOMAS JONES recalled:

By Commission:
Q Do you know whether Cinda, the mother of David Roberts, lived with Noah Roberts a while? A Noah and her never lived together at his house but she was at home and Noah would go there and stay a while and go back and forth and pretend that he was going to live with her but he quit and didn't take her as his wife.

[redacted] any knowledge about the child being [redacted]. [redacted]

[redacted]

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my [redacted] in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this August 8, 1904.

Charles W Langer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 14, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of David Roberts as a citizen by blood of the Creek Nation.

NOAH ROBERTS, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Noah Roberts.
Q What is your age? A About 29 years.
Q What is your post office address? A Indianola.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Kialigee.
Q Have you a child named David Roberts? A I think there is one living by that name.
Q Who is the mother of that child? A Cinda Jones.
Q Was she at any time your wife? A I lived with her a while.
Q Were you ever married to her? A Yes, sir.
Q Did you get a marriage license and certificate? A No, sir.
Q How were you married to her? A I lived with her a while but I didn't marry her according to any laws. I got me another wife.
Q Did she have a child by you? A Yes, sir.
Q What is the name of that child? A They called it David.
Q It is living is it? A Yes, sir. I haven't been there very lately but the last time I saw it it was still alive.
Q How long has it been since you saw it? A I haven't seen the child for two weeks.
Q Have you seen it within a month's time? A Yes, sir.
Q Do you know the date of its birth? A It was about December according to months and it is going on four years old.
Q How long did you live with Cinda, the mother of David? A I didn't live with her more than about two months.
Q Are you positive that David is your child? A I am not positive but they say it is my child and I suppose it is. The woman was not a straight woman and others delt with her but I lived with her about two months time and she threw the child on me and I suppose it is mine. I can't say positively that the child is mine.
Q Have you ever been told that it looks like you? A They say it is just like me. She started to throwing it upon other men but she fastened it upon me. I am no mullatto but people say that child's hair looks like he was a mullatto.
Q How long before this child was born was it that you lived with Cinda two months? A We were kind of staying together in the summer and that winter the child was born.
Q How long before this child was born was it that you first had sexual intercourse with Cinda? A I don't know exactly. A good many had that sort of deallings with her.
Q About how long? A I stayed with her about two months. I didn't pay much attention to it and I am not certain how long after it the child was born.
Q Was it as long as nine months? A I suppose it might have been that long.
Q Well was it that long to the best of your recollection? A It might have been that long but I don't know. I never paid any attention to it after I left her.
Q After David was born did you recognize him as your child? A No, sir.

Noah Roberts witness:

By Commission:

Q Did you ever buy anything for the child? A They threwed the child to me and I gave it a pair of shoes. And that is all I have given it. I might have recognized the child but the threwed it on several different ones and so I didn't recognize the child.

Q But you say people say it looks just like you? A I haven't heard any one particular say it but it is a rumor.

Q What time of the year was it you first took up with Cinda, in the winter or the summer? A It was in the summer. Not about like it is now.

Q How long before you began living with her was it you first began doing business with her? A I never did live with her. I never did stay at the place but would go from my own home and stay with her may be a whole day and night and then come home.

Q Well how long before that was it you first began doing business with her? A Counting the whole I stayed around about two months time but heard that other men were getting in there and I wouldn't take her as a wife.

Q That is not an answer to my question? (The interpreter replies"I can't get him to answer either.")

Q Well do you know recognize David Roberts as your child? A No I don't because that I don't know that he is.

Q Was it your intention at the time you were going and staying with Cinda from time to time to take her as your wife? A Yes, sir.

Q Well what I want to know is whether David is your child? A I don't know myself.

Q You went and stayed from time to time with Cinda and had sexual intercourse with her didn't you? A Yes, sir.

Q Well didn't you expect that a child would follow that? A It might have been. Again she might have already been pregnant but again it is something I don't know.

Q Well did you or did you not have that kind of dealings with her before you went to her home and stayed with her from time to time? A No, sir.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs,

Subscribed and sworn to before me this 4th day of August, 1904.

W. T. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Mellette, I. T., February 1, 1905.

In the matter of the application for the enrollment of David Roberts as a citizen by blood of the Creek Nation.

WILLIAM COOPER, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A William Cooper.
Q How old are you? A I do not know.

Witness appears to be about twenty-two.

Q What is your post office address? A Mellette.
Q Are you a citizen of the Creek Nation? A No, sir, I am a citizen of the Seminole Nation.
Q Do you know Cinda Jones? A Yes, sir.
Q What relation is she to you? A She is my aunt.
Q Is she a citizen of the Creek Nation? A No, sir, she is a Seminole.
Q Do you know a child of hers named David Roberts? A Yes, sir.
Q How old is that child? A About four years old, I think.
Q Who is the father of that child? A Noah Roberts.
Q Were Noah and Cinda ever married? A They were married according to Indian custom.
Q How long did they live together? A I do not know how long they lived together.
Q Does Noah Roberts recognize David as his child? A He claims that it is not his child but the mother claims that it is his child.
Q Is it the general opinion that David is Noah Roberts child? A Yes, sir, every body thinks so.
Q The child is living is it? A Yes, sir.
Q Is Noah Roberts a citizen of the Creek Nation? A Yes, sir.
Q To what town does he belong? A Kialigee.
Q How long have Cinda and Noah been separated? A They separated before the child was born.
Q How long before the child was born? A I do not know.
Q Do you know why they separated? A I know of no reason.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 8 day of February, 1905.

Edwd Suttell
Notary Public.

D.D.

Gr.No.889.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of David Roberts as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that July 13, 1904, Cinda Jones appeared before the Commission to the Five Civilized Tribes at Mellette, Indian Territory and made application for the enrollment of her minor child, David Roberts, as a citizen by blood of the Creek Nation.

Further proceedings were had July 14, 1904 and February 1, 1905.

A copy of the testimony taken June 17, 1905, in the matter of the application for the enrollment of said David Roberts as a citizen by blood of the Seminole Nation is made part of the record herein. Said latter application will be considered in a separate decision.

The evidence shows that said David Roberts was born December 9, 1899, and that he was living at the date of the application herein.

The evidence further shows that said David Roberts is an illegitimate minor child of Cinda Jones, who is identified on the approved roll of citizens by blood of the Seminole Nation, opposite No. 1698.

It does not appear from the evidence that said David Roberts is the child of a citizen of the Creek Nation.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said David Roberts as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.

Commissioner.

Muskogee, Indian Territory.

OCT 12 1905

Muskogee, Indian Territory, June 16, 1902.

Mrs. Jones,

Bufaula, Indian Territory.

Dear Madam:

The Commission is in receipt of a birth affidavit, executed by you, relative to the birth of Dave Roberts, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It appears that said Dave Roberts was born December 6, 1901.

You are advised that a child born on the date given is not entitled to enrollment as a citizen of the Creek Nation.

Respectfully,

Chairman.

En 559

9993

Muskogee, Indian Territory, August 29, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

July 13, and 14, 1904, proceedings were had in the matter of the application for the enrollment of David Roberts as a citizen by blood of the Creek Nation. Copies of the testimony are inclosed herewith.

The Creek Nation will be allowed a reasonable time within which to introduce evidence in this case, if it so desired.

Respectfully,

Chairman.

DCS. 1-29/04.

Creek No. 999.

Muskogee, Indian Territory, December 9, 1904.

Cinda Jones,

Melette, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your minor child, David Roberts, as a citizen of the Creek Nation, you are advised that the evidence heretofore submitted shows that you are a citizen of the Seminole Nation; that said David Roberts is an illegitimate child. It is claimed that Noah Roberts, a citizen of the Creek Nation, is the child's father. The evidence shows that the alleged father does not recognize said David Roberts as his child. The Commission desires further evidence.

You are hereby notified that you will be allowed thirty days from date within which to submit additional evidence in the case.

Respectfully,

Chairman.

Register.

Seminole NB-179.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory July 19, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

On March 4, 1905 there was listed for enrollment as a citizen by blood of the Seminole Nation David Roberts, about three or four years old alleged son of Noah Roberts, a citizen of the Creek Nation and Cindy Jones, who is identified as Cindy Brown upon the approved roll of citizens by blood of the Seminole Nation.

It appears from the record in this case that an application was made for the enrollment of said David Roberts as a citizen by blood of the Creek Nation on July 13, 1904 (NC-559).

You are requested to inform the Seminole Enrollment Division as to what disposition, if any, has been made of such application.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 22, 1905.

Chief Clerk,

Seminole Enrollment Division.

Dear Sir:

Receipt is acknowledged of your communication of July 19, 1905, in which you inquire as to the status of the application for enrollment as a citizen of the Creek Nation of David Roberts, an alleged son of Noah Roberts, a citizen by blood of the Creek Nation, and Cindy Jones, who is identified as Cindy Brown upon the approved roll of citizens by blood of the Seminole Nation.

In reply you are advised that a decision denying the application for the enrollment of said David Roberts as a citizen of the Creek Nation, has been prepared by the Creek Enrollment Division and is now pending before this office.

When final action is had in the matter, you will be duly notified.

Respectfully,

Commissioner.

Cr.En.582

Muskogee, Indian Territory, October 15, 1908.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of David Roberts, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-25

Cr.Ex.899

Muskogee, Indian Territory, October 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of David Roberts, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated October 18, 1905.

Respectfully,

Commissioner.

AG-26

Cr.No.868

Muskogee, Indian Territory, October 13, 1906.

Linda Jones,

Mellette, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, David Roberts, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AC-24

GR 778

DEPARTMENT OF THE INTERIOR,

I.T.D.14930-1905
LRS

WASHINGTON, November 15, 1905

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 13, 1905, you transmitted the record in the matter of the application for the enrollment of David Roberts as a citizen by blood of the Creek Nation, including your decision of October 12, 1905, rejecting said application.

Reporting November 11, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan
First Assistant Secretary

1 inclosure.

Refer in reply to the following: Land 83799-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. Nov. 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 13, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation, of David Roberts.

October 12, 1905, the Commissioner decided adversely to the applicant.

The record shows that David Roberts was born December 9, 1899, was living at the date of the application, July 13, 1904 and is the illegitimate minor child of Cinda Jones, who is identified on the approved roll of citizens by blood of the Seminole Nation, at number 1698. It is not shown that David Roberts is the child of a Creek citizen.

In view of the record, the approval of the Commissioner's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee
Acting Commissioner.

M M M ML

Enc.869

Muskogee, Indian Territory, November 27, 1905.

Chief Clerk,

Seminole Enrollment Division.

Dear Sir:

There is herewith enclosed copy of the decision of the Commissioner to the Five Civilized Tribes of October 12, 1905, in the matter of the application for the enrollment of David Roberts, as a citizen by blood of the Creek Nation.

You are advised that under date of November 18, 1905, the Department affirmed said decision.

Reference is made to Seminole N.B.179.

Respectfully,

Acting Commissioner.

Rm.559

Muskogee, Indian Territory, November 27, 1906.

Cinda Jones,

Care William Cooper,

Mellette, Indian Territory.

Dear Madam:

You are hereby notified that under date of November 16, 1905, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of October 12, 1905, denying the application made by you for the enrollment of your minor child, David Roberts, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

Dn.559

Muskogee, Indian Territory, November 27, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that under date of November 18, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes of October 12, 1906, denying the application of Cinda Jones for the enrollment of her minor child, David Roberts, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

CR EN 560

Creek
On Card #4396

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Ter., December 1, 1902.

In the matter of the application of Walter Hutton for the enrollment of his minor child, Essie Hutton, as a citizen, by blood, of the Creek Nation.

Walter Hutton, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your full name? A Walter Hutton.
Q What is your age? A I am about twenty-five years old.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you a Creek freedman? A Yes, sir.
Q What is the name of your wife? A Nancy Hutton.
Q Is she living? A She is living.
Q Is she a citizen by blood of the Creek Nation? A By blood, Yes, sir.
Q Have you and your wife both been enrolled by the Commission as citizens of the Creek Nation? A Yes, sir.
Q What was the name of your wife before you were married to her? A Nancy McGee.

The records of the Commission examined and it appears therefrom that Walter Hutton is listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 1143, and that Nancy Hutton is listed for enrollment as a citizen of said nation on Creek Indian Card, Field No. 932, under the name "Nancy McGee".

Q For whom do you now make application for enrollment? A Essie Hutton.
Q Are you the father of Essie Hutton? A Yes, sir.
Q Is Essie Hutton a girl or a boy? A A girl.
Q What is the name of the mother of Essie Hutton? A Nancy Hutton.
Q To what town in the Creek Nation do you belong? A Canadian Colored.
Q To what town in the Creek Nation does Nancy Hutton belong? A Tuskegee.
Q Is Essie Hutton now living? A Yes, sir; she is living when I left home.
Q How old is she now? A She was born April tenth; I never have run it up to see how old she is now.
Q In what year was she born? A Nineteen hundred and one.
Q Does Essie Hutton walk? A Oh yes, she can run.
Q Can she talk? A Yes, sir; she can say "Papa" and "Mama" and "eat" and "drink", such words as that.
Q Do you know the nature of an oath? A Well, Yes sir.
Q Do you know what the consequences are if you swear to something that is not true? A Certainly.
Q What are the consequences? A There is punishment of some means--penitentiary or somewhere else.
Q Do you know if you swear to something that is untrue that you are liable tp imprisonment in the Government penitentiary? A Certainly, certainly.

[redacted]

[redacted] positively that [redacted] is [redacted] of
[redacted] Nation? A. Yes, sir.

Walter Hutton

Subscribed and sworn to before me this first day of December, 1902, at Muskogee, Indian Territory.

H. L. Boren
Notary Public.

Eu # 560

1-4-05

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Western District. } ss.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto

CERTIFICATE OF TRUE COPY.

UNITED STATES OF AMERICA, INDIAN TERRITORY, WESTERN DISTRICT. } ss. I, R. P. HARRISON, Clerk of the United States Cou

Western District, Indian Territory, and ex-Officio Recorder of said District and Territory, do hereby certify that t

ment hereto attached is a full, true, and correct copy of a [redacted] filed in my office on the 29 "

of February, 190 9, at [redacted], and Renewal Am

[redacted]

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 4 t

of Dec. A. D. 1905.

By John Harlan, Deputy Clerk. R. P. Harrison, Clerk and Ex-Officio

Book 2 Page 263.

1-4-06

1 Ex. #

MARRIAGE LICENSE.

United States of America, Indian Territory, [redacted] District. } ss. No. [redacted]

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. Walter Hurtwood of Eufaula, in the Indian Territory, aged 28 years, and Miss Nora McGee, of Eufaula, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal ~~at Muskogee, Indian Territory~~, this 14 day of Feby, A. D. 1900.

Chas. A. Davidson
Clerk of the U. S. Court.

By Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, Indian Territory, [redacted] District } ss.

I, Smith McChristian, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 24 day of Feby., A. D. 1900, did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 26th day of Feby A. D. 1900.

My credentials are recorded in the office of the Clerk of the United States Court Indian Territory [redacted] District.

Book — Page —

Smith McChristian
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory from whence it was issued within sixty days from the date thereof or the party to whom the license was issued will be liable in the amount of One Hundred Dollars $100.00.

PHOTOGR PRINT, MUSKOGEE

Filed and duly recorded, this 28 day Feby, 1900
Chas. A. Davidson Clerk, U.S.

Book 2. page 263.

C. 4492.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., July 6, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Essie Hutton as citizen by blood of the Creek Nation.

W. L. Harrison, being duly sworn, testified as follows:

By Commission:

Q What is your name? A W. L. Harrison.
Q What is your given name? A William Lafayette.
Q What is your age? A About 34.
Q What is your post office? A Eufaula.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Do you belong to any Indian Tribe in Indian Territory? A No, sir I am not a citizen. I was supposed to be a citizen by my people never come in here to settle up.
Q You are a citizen of the United States then? A Yes, sir.
Q Do you know Walter Hutton? A I do.
Q Do you know his wife, Nancy Hutton? A Yes, sir.
Q Did they have a child named Essie Hutton? A Yes, sir.
Q W. L. Harrison, of Eufaula, stated in a letter to the Commission, written under date of November 2, 1903, that Essie Hutton was born July 27, 1901, are you the person who wrote the letter? A I am.
Q What do you now state is the date of birth of Essie Hutton? A July 27, 1901.
Q How do you know that? A The way I come to know it we was fixing for the fourth of August and we boys were going to Wild Cat to the celebration and we ~~mmmm~~ met over here to our church, New Hope. Walter told me he couldn't go out to Wild Cat with me.
Q What date was that you met? A That was on Saturday I think. Sunday was the fourth of August and we met on Saturday to see if the boys was going to do anything at home. To see if the boys would contribut anything.
Q What date was that you met? A It was on the third of August. We were going to Wild Cat on Sunday. Sunday was the fourth but they was going to celebrate on the fifth. I asked Walter was he going and he said he couldn't go his wife was in, and he had a fine girl over there.
Q "That is wife was in" what do you mean by that? A Laying in with a young child.
Q What was the third of August? A Yes, sir, that was the third of August and I asked him what day it was born and he said on the 27th.
Q That was three years ago? A Just about.
Q Did you ask him the name of the child? A He had not named it then.
Q When did you first learn the name of the child? A Well I don't remember positively but it was something like a month and a half before they named it.
Q Do you know Walter Hutton well? A Yes, sir, known him ten years almost.
Q Are you and Walter Hutton on good terms? A Yes, sir.
Q Did you ever talk to him about this child? A Nothing more then we had a talk concerning the enrolling of our children, his and mine. And we talked about having them enrolled and I told him that I didn't know whether we could enroll them or not until I seen further and got the treaty. Latter on I got the Supplemental Agreement and I saw him again and we had a talk about the same matter and I told him that I thought our children was too young.
Q What did he have to say upon it? A He never said anything more than to say he would like to get land for his.
Q Have you talked with him since you heard he had his child enrolled A No, sir, nothing more then I heard he had it enrolled and had filed for it.

Q You have not seen him or talked with him about it? A I have not talked with him any more then he said he had it enrolled.
Q Did you tell him that you couldn't get your child enrolled? I told him my child was born on the 5th of November 1901 and according to the treaty the roll closed on young children on the 25th and if he could enroll his he was going to lie to the Commission concerning the matter.
Q Did he make any responce to that? A No, sir, he never said anything, only just laughed.
Q Did you make a record any where concerning the date of the birth of Essie Hutton? A I got it on a slip of paper some wheres. His chilo and mine were born close together and the women deviled one another on which one would come out first is why I took notice of it.
Q Which child was born first? A Huttons was.
Q How long before yours? A My child was born November 5, and his w was born July 27, 1901. And the same woman waited on both women.
Q What is the name of your child that was born November 5, 1901?
A Jessie Roosevelt Harrison.

Lillie Harrison, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Lillie Harrison.
Q What is your age? A 23.
Q What is your post office? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A I don't belong to no town.
Q You do if you are a citizen. Who is your town king? A Paro Bruner
Q Do you know Walter and Nancy Hutton? A Yes, sir.
Q Have they a child named Essie Hutton? A Yes, sir.
Q Do you know when she was born? A July 27.
Q What year? A 1901.
Q Can you read and write? A Yes, sir.
Q How is it that you remember the date of the birth of Essie Hutton so well? A Because Nancy married after I did and we was pretty good friends together and we would often see one another and that was her first and my first and of course we would remember.
Q Tell about the 4th of August? A I went to the fourth. Her husband and mother was there. It was on the third but they selebrated for the fourth.
Q Did he tell you why Nancy couldn't be there? A Yes, sir.
Q What was the reason? A Because she had a newborn baby.
Q How long had the child been born? A They told me it was born on the 27th of July.
Q How long after that time until you saw Nancy Hutton? A She come to see me in October. I don't know what date it was--on a Sunday. I think it was October I don't know for certain but I know she brought the baby with her.
Q What date was your child born on? A November 5, 1901.
Q What is its name? A Jessie Roosevelt.
Is it living? A No, sir.
Q When did it die? A January 8, 1902.

W. L. Harrison recalled:

Q How long after the birth of Essie Hutton before you saw her? A It was just a few days. I never counted them but as well as I can remember they selebrated for the fourth on the fifth and when I came home from Wild Cat I cam by his house. I don't remember whether it was on the 7th or 8th, I think it was on the 7th.
Q Is Lillie Harrison your wife? A Yes, sir.

Q She just stated that they celebrated the fourth on the third? A On the third was Saturday the fourth was Sunday. They celebrated here at Eufaula on the third for the fourth and at Wildcat they celebrated on the fifth and sixth for the fourth.

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs.

Subscribed and sworn to before me this 18th day of July, 1904.

(Seal) L. G. McIntosh
Notary Public.

My term expires Apr. 10, 1907.

C. 4492.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., July 7, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Essie Hutton as a citizen by blood of the Creek Nation.

NANCY HUTTON, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Nancy Hutton.
Q What is your age? A I just now can't tell you----22 I guess.
Q What is your post office? A Huttonville.
Q What is your husband's name? A Walter Hutton.
Q Did you make application for the enrollment of a child named Essie? A Yes, sir.
Q When was Essie born? A April 10.
Q What year? A I couldn't tell. My husband can tell.
Q How old is Essie? A Four.
Q You remember when W. L. Harrison's child was born don't you? A I just couldn't remember when it was born but there is quite a difference between our childs' ages.
Q They were born the same year wasn't they? A Yes, sir, the same year but different months.
Q What was the name of their child do you know? A No, sir.
Q Is Essie your first child? A Yes, sir.
Q And that was Lillie Harrisons first child? A Yes, sir.
Q The colored people have a selebration ever year, don't they, sometime in the summer? A Yes, sir.
Q You didn't attend the selebration that year did you? A No, sir.
Q Do you know for what reason? A Just was not fixed to go.
Q You were sick wasn't you? A I don't believe I was sick.
Q As a matter of fact were you not confined to you bed because of the birth of Essie? A No, sir.
Q As a matter of fact wasn't Essie born just a few days before that? A Essie was born a few days before that. Essie was born the 10th day of April.
Q Can you read and write? A I can read a little and write a little
Q Did you make a record of the date of the birth of Essie? A Yes, sir.
Q Where is that record? A It is some where. We haven't got it we sent it to the Dawes Commission.
Q When was that record made? A I couldn't tell you when that was made.
Q Did you write down it in a book? A The girl that stayed here she wrote it down but I didn't know where it is.
Q Whose book was it? A My husband's.
Q What kind of a book was it? A Bible-----I can't think what it was.
Q What else was written in the book anything? A No, sir.
Q Was it a blank book? A No, sir.
Q Was it a book with other reading matter in it? A Yes, sir.
Q What was it written about? A About the Bible.
Q Where is that Bibile now? A I don't know. It is in the house some wheres.

WALTER HUTTON, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Walter Hutton.
Q What is your age? A About 26 years old.

Q What is your post office? A Huttonville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Canadian Colored Town.
Q Did you make application to the Commission for the enrollment of a child named Essie? A I did, Yes, sir.
Q Do you know W. L. Harrison? A Yes, sir.
Q Do you know his wife, Lillie? A Yes, sir.
Q They had a child didn't they born about the time yours was? A Mine was born in April and their's was born in August.
Q How many months difference in their ages? A About three, I guess.
Q Do you remember the selebration had in the summertime of the year those children were born? A Yes, sir.
Q There were two selebrations wasn't there, on the third and on the fifth? A I don't know the exact date but there were two and I went to one of them?
Q Your wife didn't attend did she? A No, sir.
Q She was sick wasn't she? A No, sir.
Q Why didn't she go? A Because was not able to go. Was not fixed the way she wanted to go.
Q As a matter of fact wasn't she confined to her bed from child birth of Essie? A No, sir.
Q As a matter of fact wasn't Essie born just a few days before that and Nancy wasn't able to go because she had not gotten entirely well? A No, sir, that is not a fact.
Q Didn't you see some people at one of these selebrations and tell them that you had a young baby at your house lately born? A No, sir I don't remember.
Q Have you any other young children? A I only had one and it died.
Q What was its name? A We never named it it only lived three days.
Q When was it born? A Born in July.
Q What year? A Last year--1903.
Q Who was the mid-wife in attendance on your wife at the birth of Essie? A Why my mother-in-law was here and another lady named Johnson.
Q what is your mother-in-law's name? A Mary McGee.
Q Where is she living? A Near Baldhill.
Q Do you thoroughly understand the meaning of an oath? A I think I do.
Q What is your understanding? A The meaning of an oath means that you must tell the truth.
Q Do you know what the penalty is if you don't tell the truth? A Why it is punishment of some kind.
Q You understand that you are under oath? A Yes, sir.
Q Now with that understanding can you state that Essie Hutton was not born in July, 1901? A Yes, sir, I can state that she was not born in July, 1901.
Q Do you know W. L. Harrison well? A About 4 or 5 years I think.
Q. You and he talked together about having your children enrolled? A Yes, sir, we did.
Q Did he say that he would look over the treaty and tell you what he thought about it? A No, sir, I don't remember if he told me about that. He said he would look out for land. He was riding around. And when the agreement came out if it gave us a show to file we would have the most of the land.
Q He came to your house soon after the child was born to see it did he not? A I don't remember whether he did or not.
Q And when the treat came out and he got a hold of it what did he tell you? A I don't remember of him and me having any talk. We all had those amendment books of the Supplemental Agreement.
Q You and Harrison are good friends are you not? A Apparently, Yes, sir.

Q What do you mean by"apparently"? A Why we can't tell only by appearances when their are friends.
Q There is no hard feeling between you then? A No, sir, none that I know of.

Hancy Hutton recalled:

By Commission:
Q How long after you werenmarried before Essie was born? A It was pretty near a year.
Q You have a marriage license have you? A I don't know, we did have them but they got torn up.

Walter Hutton recalled:

By Commission:
Q How long after you were married before Essie was born? A I don't know exactly----I don't know.
Q You ought to know about how long after, before Essie was born?
A Not much over nine months.
Q You got your marriage license at Eufaula didn't you? A Yes, sir.
Q What month do you say you were married? A In February.
Q What year? A 1900.

-----:0:-----

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs.

Subscribed and sworn to before me on this 27th day of July 1904.

L. H. McTatt

Notary Public.

My Com' expires Apr. 10, 1907.

DEPARTMENT OF THE INTERIOR, Mn. 860.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., Sept. 30, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Essie Hutton as a citizen by blood of the Creek Nation.

APPEARANCES: M. L. Mott Attorney for Creek Nation.

WILLIAM L. HARRISON, being duly sworn, testified:

By Commission:
Q What is your name? A William L. Harrison.
Q What is your post office address? A Eufaula.
Q You have testified in this case before have you? A Yes, sir.

By Mr. Mott:
Q You have furnished me with the names of these witnesses haven't you? A I have.
Q And you told all you know about it in your other examination did you? A Yes, sir.

By Commission:
Q You had a child born November 5, 1901? A Yes, sir.
Q What is that child's name? A Jessie R. Harrison.
Q What is the name of the mid-wife? A Lucy Johnson.
Q Was she the mid-wife when Essie Hutton was born? A Yes, sir.
Q Do you know Mary McGee? A Yes, sir.
Q She says that she was the mid-wife? A Lucy Johnson was the mid-wife and he paid her $5.00 because he told me so.
Q Who told you? A Hutton.
Q Is Lucy Johnson present? A No, sir. She lives at Oktaha.
Q How much older is Essie Hutton than your child? A Something over three months.
Q How far do you live from Walter Hutton? A About two and three-quarters of a mile.
Q You know that Essie Hutton was born after the 25th of May, 1901, do you? A I do.

LILLIE HARRISON, being duly sworn, testified:

By Commission:
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you got any children? A Got one.
Q How old is that child? A Three years old the 5th of November.
Q Do you know Essie Hutton? A Yes, sir.

By Mr. Mott:
Q Did you see the child? A She brought it to my house when it was about two months old. She brought it there to see me.
Q You know it was not six months old? A Yes, sir.
Q Do you know it wasn't four months old? A No, sir, because it was born in July.
Q Did she tell you it was born in July? A Yes, sir. All the people that has said anything about it told me it was born in July.
Q Did it look like it was born in July? A Yes, sir , I know it was born in July.
Q You saw it in September or ~~February~~ October and it didn't look like it was over two months old? A Didn't look like it was older. She come to my house along in the Spring, April or May and I know it wasn't born then. She didn't have no baby then.

Q Are you satisfied that she was at your house as late as the middle of April? A It was in June sometime I think, she was at my house.
Q It was June? A I think it was June.
Q She didn't have any baby then? A No, sir. It was sometime in the Spring she was there but don't know just what month.
Q Do you know she was there in April? A Yes, sir.

By Commission:
Q Is it pretty thickly settled around where you live? A Yes, sir.
Q If a child is born in that neighborhood do you hear of it soon after it is born? A Yes, sir.
Q Would a child be born in that neighborhood without your hearing of it before long? A Yes, sir.
Q You generally know when one is going to be born don't you? A Yes, sir.

LENA BURNETT, being duly sworn, testified:

By Commission:
Q What is your name? A Lena Burnett.
Q How old are you? A I don't know, sir.
Q How old as near as you can come at it? A I couldn't tell you.

Witness appears to be about thirty-five years of age.

Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your youngest child? A James.
Q How old is he? A Two years old the 21st day of March.
Q Do you know Walter Hutton? A Yes, sir.
Q And his wife Nancy? A Yes, sir.
Q How far do you live from them? A I don't know exactly but about three miles.
Q You are acquainted with the family? A Yes, sir, growed up together.
Q Do you know a child of theirs named Essie? A Yes, sir.
Q How old is that child? A Well, for me to tell direct when it was born I can't do that. I tell you the year and month. It was born in 1901, July.
Q How long after the child was born before you saw it? A I couldn't tell you what time I seen it because we didn't keep no correct time.
Q Was it a week or a month? A I couldn't tell right when I did see it but I know I seen it at church.
Q Were you at a celebration there about the fourth of August? A Yes, sir.
Q Was Walter Hutton there? A If he was I didn't see him.
Q Was Nancy there? A No, sir.
Q Did you hear while you was at that celebration about the birth of the child? A Now, I couldn't tell you whether I heard then or not but I heard it shortly afterwards.
Q You know the child was born in July, 1901, do you? A Yes, sir, I know it was born in July.
Q In 1901? A Yes, sir.
Q How old was the child last July? A It was three years old.

By Mr. Mott:
Q Did you ever hear either the father or mother say when it was born? A No, sir.
Q You never heard them say? A No, sir.
Q Did you see the child after it was born? A I seen the child but how old it was when I seen it I couldn't tell you.
Q How long do you think after July you seen it. Two months or three months? A I might say I seen it in three months time? I seen its mother at the church meeting day in June before the child was born.

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Q In June you seen its mother? A Yes, sir.
Q And she was in a family-way then? A Yes, sir.
Q What year? A 1901.
Q In June, 1901, you seen her and she was in a family-way? A Yes, sir, I went home with her mother-in-law.
Q Was that woman alone? A No, sir she was with her husband.
Q At her mother-in-law's? A No at the church.
Q You knew that was in June, 1901, and the child wasn't born then? A No, sir, didn't have it then.

ROBERT BURNETT, being duly sworn, testified:

By Commission:

Q What is your name? A Robert Burnett.
Q How old are you? A Forty.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Do you know Walter Mutton and his wife Nancy? A Yes, sir.
Q How long have you known them? A About nine or ten years.
Q How far do you live from them? A About three miles.
Q Do you knew a child of theirs named Mamie? A Yes, sir, I seen it several times.
Q Do you know when that child was born? A I know what year and month but don't know the day.
Q What year? A 1901 in July.
Q Were you at the celebration in that neighborhood on the fourth of August, 1901? A Yes, sir.
Q Did you see Walter Mutton there? A I don't know whether I did or not. Don't know as I did.
Q Did you hear about the birth of the child about that time? A Yes, sir, I heard, shortly after, that she had a child. Don't know what time it was but knowed it was in July.
Q Have you ever had a conversation with Walter Mutton about the birth of this child? A No, sir.
Q Or with his wife? A No, sir, only I know it was born in July.
Q You are positive of that? A Yes, sir.

By Mr. Mott:

Q Did you see her in May or June before the child was born, in July?
A I don't know sir, whether I did but I seen her a month or so before it was born but I couldn't tell you what month it was.
Q That was a month or two before July? A Yes, sir.
Q And it wasn't born then? A No, sir, the child was naturly born in July.
Q You saw her a month or two before July? A Yes, sir, but can't tell what month it was.
Q Are you friendly with the Muttons? A Yes, sir, never had a falling out with them in my life.

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I, Drennan C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 27th day of September, 1906.

Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. DEC. 18, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Essie Hutton as a citizen by blood of the Creek Nation.

APPEARANCES: Walter T. Fears, Att'y for applicant.

Walter Hutton being duly sworn, testified as follows:

BY COMMISSION:

Q What is your name? A Walter Hutton.
Q What is your post office address? A Huttonville now.
Q What is the name of your wife? A Nancy.
Q Is she the mother of Essie? A Yes sir.
Q When were you and Nancy married? A In February, 1900, I think. I believe it was on the 24th on Saturday.
Q How long after you were married until Essie was born? A 12 months
Q Did you procure a marriage license when you were married? A Yes sir.
Q Where did you get it? A At Eufaula.
Q Have you got that license? A No sir, it got destroyed in some way.

The applicant is advised that he is required to file with the Commission a duly certified copy of his marriage license.

Q When was Essie Hutton born? A April 10, 1901.
Q Do you know William L. Harrison? A Yes sir.
Q Do you know Lillie Harrison? A Yes sir.
Q Do you know Lena Burnett? A Yes sir.
Q Do you know Robert Burnett? A Yes sir.
Q Did they live in your neighborhood when this child was born? A Yes sir, they lived about three miles I suppose from me.
Q Did Lillie Harrison have a child born the same year Essie was born? A Yes sir.
Q Which was born first? A Essie.
Q How long first? A I don't remember exactly; it might have been six months.
Q Do you know when her child was born? A No sir, I don't know exactly when it was born.
Q What time of the year was it born, do you remember? A It must have been the last of the summer or sometime in the Fall.

Lucy Johnson being duly sworn testified as follows:

BY COMMISSION:

Q What is your name? A Lucy Johnson.
Q How old are you? A Forty four.
Q What is your post office address? Kentieville.
Q Do you know Walter Hutton? A Yes sir.
Q Do you know his wife? A Yes sir.
Q What is her name? A Nancy Hutton.
Q Are you a citizen of the Creek Nation? A No sir.

Q Do you know a child of theirs named Essie? A Yes sir.
Q Do you know when that child was born? A Yes sir; he was born sometime in April but I don't know what day of the month it was.
Q How far did you live from them when the child was born? A About 2 miles.
Q Were you present when the child was born? A Yes sir.
Q When were Walter and Nancy married, do you know? A No sir;I did not get acquainted with them when they were married.
Q They were married when you first got acquainted with them? A Yes sir.
Q Do you know William L. Harrison and his wife Lillie? A Yes sir.
Q Did you know a child of theirs named Jesse Roosevelt? A Yes sir.
Q Were you present when that child was born? A No sir.
Q When was that child born, do you know? A No sir, I don't.
Q How far did you live from them when the child was born? A I reckon it was about a mile and half; maybe more, I don't know, just how far.
Q Which was born first Walter's child or the Harrison child? A Walter's child.
Q How long first? Do you remember? A I reckon it was somewheres near four months;I am satisfied it was that long.
Q Have you any young children? A Have one;my youngest child is six years old.
Q When was that child born? A Well, I forget the date;I never did have it put down.
Q What month was it born? A November.
Q Are you sure of that? A Yes sir, I know it was in November.
Q Do you attend at the birth of a good many children? A No sir, not very many; once in a while.
Q Have you attended on any since Essie was born? A ?Yes sir, one or two.
Q Who are they? A Annie Banks and Fanny Birdwine.
Q When was Annie Banks child born? A I can't tell you; I don't keep count of when the child was born.
Q When was Fanny Birdwine's child born? A Hers was born in September I think; but I never done tried to keep the ages of the children.
Q When did you say Essie was born? A I think in April.
Q Why is it you are positive of the birth of Essie and don't remember children born since that time? A Well, sir, when they come after me we went to hunt some peppermint and I told them it was too early;that's the reason I can remember that;I rememberwhat I done.
Q Did you attend on anybody just before, some time before you did [redacted] on this child, Essie? A Yes sir;I was over at Doc Hutton's wife.
Q What is the name of the child? A Well, I don't know sir what's the name of that child.
Q Was that child a boy or girl? A It was a boy.
Q Was that child born before or after Essie? A It was born before Essie.
Q How long before, do you remember? A No sir, I don't.
Q Well, as near as you can come? A It seems to me about 6 or 8 months older than Essie;I don't know exactly;I never paid it any attention;that's my best judgment.
Q Now, to your best judgment how long before Essie was born that this child of Doc Hutton was born? A I think his was born in March the year before.
Q Well, about how old was Doc Hutton's child when Essie was born?
A Well, I can't tell you now;its been so long.

Q Well, according to your best judgment? A month or six months or a years? A Well, Doc Hutton's child I guess is a year older than this child or right about a year.
Q Was that child's name Roy? A Well, I don't remember its name now can't tell you its name to save my life.

BY MR. FEARS:

Q Was that Doc Hutton's child, or was it his daughter's child? What was his daughter's name, do you remember? A Jane.
Q Was it Jane's child or Doc's child? A Doc's child;Doc's child is a boy child and Janes's is a girl.

BY THE COMMISSION:

Q What is the name of the mother of that child? A Lula Hutton.

BY MR. FEARS:

Q Lula Hutton is Doc Hutton's wife? A Yes sir.
Q You won't be positive as to the difference in time between the birth of Doc's child and Essie's? A No sir, I won't; because I never paid it no attention.
Q You can't say whether it was a month or six months, or what?
A No sir.
Q You were with Nancy Hutton when Essie was born? A Yes sir.
Q In what capacity- as mid-wife, or were you assisting-? A I just come over assisting; they hired Mrs. McGee.
Q You were assisting Mrs. McGee and Walter's mother? A Yes sir.
Q Were they there at the time Essie was born? A Yes sir.
Q What was the condition of the weather at that time- warm or cool?
A It was cool weather;had not got warm.
Q You state you were not with Harrison when his baby was born?
A No sir.
Q Were you there immediately after it was born? A I was the next morning.
Q To the best of your recollection as to the time between the birth of Essie and the Harrison baby-- A It was sometime near 4 or 5 months.
Q Quite a little time? A Yes sir.
Q How long did you live down in that country? A Well, I was living out there in that country something over a year before I moved.
Q You lived out in this neighborhood where the Hutton's lived something over a year? A Yes sir.
Q How long had you been out there before you waited on Doc Hutton's wife? A Well, I can't tell you but I had been out there right smart while;I first lived in Eufaula;I went out the last of August I think to pick cotton.
Q You had been out there some time when Doc's baby was born? A Yes sir.
Q What time of the year was it when Doc's baby was born? I am not certain but I think it was in March.
Q The March following the time you moved out? A Yes sir, when I left town;the last of August or September I went out in the country to pick cotton.
Q To the best of your recollection then it was March? A Yes sir.
Q Now, it was still cool weather you think when you waited on Doc's wife? A Yes sir.

Q Now, how long was it from the time you waited on Doc's wife until you waited on Walter's wife, when Essie was born? A No sir, I can't tell you how long it was but it don't seem like it was any great long space between.
Q You cannot fix any time, whether it was one month or two or 3?
A No sir, I can't to save my life.
Q It was something over three years ago that this happened? A Yes sir.
Q What year was Essie born? A 1901.

Nancy Hutton being duly sworn testified as follows:

BY COMMISSION:

Q What is your name? A Nancy Hutton.
Q How old are you? A Twenty two.
Q What is your post office address? A Huttonville.
Q Are you the mother of Essie? A Yes sir.
Q Do you know Doc Hutton and his wife, Lula? A Yes sir.
Q Do you know a child of there's that is older than yours? A No sir, I don't.
Q You don't know the child? A No sir.
Q Did Doc Hutton live down there in your neighborhood when Essie was born? A Yes sir.
Q And you don't know anything about their children? A I know some of the oldest ones;but I,don't know much about the youngest.
Q How far did they live from you when Essie was born? A I don't know sir;about 3 miles I expect.
Q Did you hear of a child of theirs being born? A Not as I knows of.

By Mr. Fears:

Q You have no recollection of Doc's wife having a child about the time Essie was born? A No sir.
Q Did you all visit; did you at that time? A No sir, I never got only from mother's back home;
Q Were you ever at Doc Hutton's? A No sir, only once lately;they had a child as big as this here but I never asked them.

Walter Hutton recalled:

By COMMISSION:

Q Is Doc Hutton a brother of yours? A No sir, an uncle of mine.
Q Has he a child born somewhere near the time that Essie was born?
A Yes sir;they say it was born in March.
Q Don't you know the child? A Yes sir.
Q Did you hear of its birth about the time it was born? A I don't remember whether I did or not; to be honest.
Q Do you know how much older that child is than yours? A No sir, I don't.

BY MR. FEARS:
Q You didn't hear enough about it at the time it was born to make any impression on you as to when it was born? A No sir.
Q Or what the difference in the ages of your children and that?
A From what I could learn it couldn't have been much over a month, but to say just how much, I can't.

Mary McGee being sworn testified as follows:

BY COMMISSION:

Q What is your name? A Mary McGee.
Q How old are you? A I can't tell you how old.
Q As near as you can come at it? A
Q Sixty or more? A No sir, I don't guess.

(Appears to be so some years old.)

Q What is your post office address? A Eufaula.
Q Do you know Walter Hutton and his wife, Nancy? A Yes sir.
Q Do you know a child of theirs named Essie? A Yes sir.
Q Were you present when that child was born? A Yes sir.
Q Do you know Doc Hutton? A Yes sir.
Q Knew his wife, Lula? A Yes sir.
Q How far did you live from Walter Hutton when Essie was born?
A Three miles.
Q How far from Doc Hutton at that time? A I guess about 8 miles; I never was at Doc's house; just passed it.
Q Did you hear of a child being born to Doc Hutton's wife some time before this child, Essie, was born? A No sir, I don't remember a thing about it.
Q Didn't hear of it at that time? A No sir.
Q You say you never was in Doc's house? A No sir; never was.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q How old is your youngest child? A About going on 13 years old.
Q Have you any married children? A None but Nancy Hutton; she's my daughter.
Q When was Essie Hutton born? A In the month of April.
Q How old is she now? A She is three years old.
Q You say you have no other married child but Nancy? A That's all.
Q Do you attend at the birth of children when you are called upon generally in the neighborhood; do you attend on people that call for you? A Yes, sometimes.
Q Did you attend on anybody else somewher. near the time that Essie was born? A No sir, I didn't.
Q When was this youngest child of youre born? A I can't tell you when my youngest child- exactly what time. I can't tell you what year unless I look at her age and the other children.
Q Do you know the month she was born? A In July.
Q Did you attend on any other woman that gave birth to child before you did Nancy? A Yes sir.
Q Who? A She was a white woman; Mrs. Hulstine; lived on my place.

BY MR. FEARS:

Q Do you follow that as a business, Mary? Midwifery? Or do you just wait on anybody on your place there? A No sir, I don't follow that.
Q Do you keep a record of the dates of the birth of your children; in any record book? A Yes sir, I have got it but I don't never read
Q What do you keep it in-- the Bible? A Yes sir, the Bible; then I get somebody to put it down and show me.
Q You say you were present when Essie was born to your daughter, Nancy? A Yes sir.
Q You say it was in April; why do you think it was in April and not any other month? A It was in the spring and it was a lit'le cool.

Q What about the crops? A I was fixing the garden a little.
Q Had the crops been planted? A Not all the crops; I remember by her being my child; so I called in Mrs. Johnson.
Q Do you know William L. Harrison? A Yes sir.
Q Did he wait upon your daughter Nancy before she married Walter Hutton? A Yes sir, he was said to come there.
Q Did you ever have any conversation with him or he with you after Walter married Nancy? A Yes sir; he told me that I didn't treat him right about Nancy; that he went to see Nancy and that I didn't treat him right; and I told him: "You never asked me the privilege of coming to see Nancy"; and I didn't know he was coming to see her; that's all I talked with him.

Agnes Hutton being sworn testified as follows:

BY COMMISSION:

Q What is your name? A Agnes Hutton.
Q How old are you? A Don't know; about 40 I reckon.
Q What is your post office address? A Huttonville.
Q Is Walter Hutton your son? A Yes sir.
Q His wife's named Nancy, is it? A Yes sir.
Q Do you know Doc Hutton? A Yes sir.
Q Walter and Nancy have a child named Essie have they? A Yes sir.
Q How far did you live from Doc Hutton when Essie was born? A Nearly a mile I guess.
Q Did Doc Hutton have a child born some time before Essie was born? A Yes sir.
Q About how long before Essie was born was that child of Doc Hutton's born? About how old was that child when Essie was born? A About a month and a half old I reckon; I don't know.
Q To the best of your judgment? A I don't know exactly when Doc Hutton's baby was born; I know what month it was born in; what month they say it was born in.
Q What month? A March.
Q Do you know that the child was born in March or is that what somebody told you? A That's what the father of the child told me; Doc Hutton came to my house and told me he had a fine baby.
Q How long after that before Essie was born? A Well, I didn't pay much attention but it was about a month and a half I reckon and maybe it might have been a little more than that; I don't know what day of the month.
Q When was Essie born? A In April.
Q What year? A 1901.
Q Were you present when the child was born? A Yes sir.
Q Have you any other children besides Walter? A Yes sir, three more
Q Are they married? A Yes sir.
Q What are their names? A Everet Hutton; James Hutton; Alex Hutton
Q They are all boys, are they? A Yes sir.
Q They are all married? A Yes sir.
Q Has Everett Hutton a child named Everet Hutton? A Yes sir.
Q Which was born first, Everett or Essie? A Essie.
Q How long first? A There aint much difference; both of the children was born in one month I think; I didn't pay no attention to their age.
Q Born the same year? A Yes sir.
Q Same year and same month? A Yes sir; they are near one age; there a little difference between them and I don't know how much.
Q Which do you say is the oldest? A Essie.

BY MR. FEARS:

Q You say it was in April, 1901, that Essie Hutton was born? A Yes sir.
Q Had you or not planted your crops at thattime? A No sir, had not planted cotton.
Q What time of the year do you usually plant cotton? A Well, when its not cold;sometimes if we have a little early patch about thelast of April or first of May.
Q You had not planted cotton then when Essie was born? A No sir.
Q Did you ever have any conversation with old man Harrison about Nancy? A No sir, but I have heard it.

O. T. Willis being duly sworn, testified as follows:

BY COMMISSION:

Q What is your name? A O. T. Willis.
Q How old are you? A Thirty-four.
Q What is your post office address? A Huttonville.
Q Are you a citizen of the Creek Nation? A No sir.
Q Are you married? A No sir.
Q Do you know Walter Hutton and his wife, Nancy? A Yes sir.
Q How long have you known them? A I have just known them two years
Q Do you know anything about the date of the birth of a child of theirs named Essie? A No sir.

BY MR. FEARS:

Q You are the post master of Huttonville? A Yes sir.
Q And a merchant? A Yes sir.
Q Are you acquainted with William L. Harrison? A Yes sir.
Q How long have you known Harrison? A About 2 years;I got acquainted with him two years ago last August.
Q State whether or not you have had any conversation with Harrison relative to Nancy or Essie Hutton? A Yes sir, Essie and Nancy both.
Q When was it? A Either in April or May of this year.
Q 1904? A Yes sir, and the conversation come up like t is: I was after him about it- why he prosecuted them- asking him why did he do it? I was telling him it was no interest to him and he said he knowed it wasn't, and he said the Dawes Commission wouldn't file his child and he was going to see that the Dawes Commission didn't file theirs; he said he would see that if it cost him something; of course him no relation to them but that was what he told me at my office one Sunday.
Q What is the feeling between you and Harrison? A He and I are all right; I am the master of his lodge. We are good friends;there is no discredit or feeling between us whatever.
Q Did you ever overhear in conversation-- A Mr. vann, he told me--
Q Well, you need not put that in if you were not present. A No sir I didn't hear him say that.
Q This conversation relating to yourself and Harrison was all?
A Yes sir, this was between ourselves alone.

By COMMISSION:

Q What reason did he give for that? A Well, he said the Dawes Commission-- I think he had a dead child and he wanted to file it, and the Dawes Commission wouldn't file it and he didn't like it and I think Walter filed for his and he didn't like it that Walter got his child on and he didn't.

Q Is that preacher he had the conversation with there now? A His family is there yet and he moved with the conference to Corbin.
Q Will he be back? A Yes sir.
Q When? Do you know? A I don't know;he might be there this week; he comes every Wednesday and stays till Saturday and then he goes back;he lived on Harrison's place and is living there now.

Walter R. Polk being duly sworn, testified as follows:

BY COMMISSION:
Q What is your name? A Walter R. Polk.
Q How old are you? A I think this makes me 44 years old this year.
Q What is your post office address? A Muttonville.
Q Are you a citizen of the Creek Nation? A No sir.
Q Do you know Walter Hutton? A Yes sir.
Q Know his wife Nancy? A Yes sir.
Q How long have you known them? A I don't know just exactly but its a good while.
Q About how many years? A I been out there about 6 or 7 years, ain't it Judge?
Q Have you known them 6 or 7 years? A Yes sir, about that time.
Q Know a child of theirs named Essie? A Yes sir.
Q How far did you live from them at that time? A I don't know exactly;but it wasn't far.
Q About? A It wasn't over a half mile or three quarters from where I lived.
Q Are you married? A No sir; has been; widower now.
Q Was your wife a citizen of the Creek Nation? A Yes sir.
Q Got any children that are Creeks? A Yes sir.
Q How long has your wife been dead? A About 4 years or a little over.
Q Do you know Doc Hutton? A Yes sir.
Q Know a child of his named Roy? A I know all of his children but don't know the little fellows' names.
Q Do you know a child of his that was born some time before Essie was born? Do you know that he had a child some little time before Essie was born? A I heard of a child being born.
Q About how long was that child born before Essie? A I don't know sir;I never thought that such questions would be asked and never paid no attention;there was always something of that kind happening in the neighborhood.
Q Do you know when that child of Doc Hutton's was born? A No sir.
Q Do you know when Essie Hutton was born? A Yes sir;know when her father claimed she was born.
Q When was that? A In the month of April.
Q He told you that it was in April? A Yes sir.
Q Who told you that Doc Hutton had a child that was born? A I don't remember now.
Q Has it been a good while since Essie Hutton was born? A Yes sir.
Q Why is it impressed upon your mind when she was born and it is not about Doc Hutton's child? A Well, her father lived close and he come to my house for horses and told me his wife was expected to be d down pretty soon;then I knew about Essie because he told me when he came to look for horses.
Q Have you any children dead? A Yes sir, one.
Q When did that child die? A Really I have forgotten the date he died;it lived about 5 or 6 months after its mother died.
Q Is that child enrolled? A Yes sir.
Q What is the child's name? A Walter Polk.
Q In what month did your child die? A I have forgotten now.
Q Can you explain why it is that your recollection is better as to the date of the birth of your neighbor's child than it is about the death of your own child? A Yes sir; I was planting cotton when Mrs.

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Walter Hutton came to my house, and I planted the years before that in the month of April for three years; last year and this year it worked my crop up so much that I planted in different months, some in May and some in June, and we had no such trouble in these days, as I was doing I remember.

Q What kind of work were you doing when your baby, Walter died?
A Well, really, I don't know; my child died up here and I am now at Eufaula; my wife's people written to me that my child was dead; we have the letter. She has sisters out here.
Q Was that after the death of your wife? A Yes sir.
Q In what month did your wife die? A I think my wife died- it was in April when she died.
Q Did she die before Bessie was born or after? A The fact about it--- she died after the child was born, because she was there when Hutton came to my house.
Q After this child was born? A Yes sir, she was living when Hutton came to my house.
Q Do you know Lela Hodge? A Yes sir.
Q Is she a sister to your wife? A Yes sir.

An affidavit on file with the Commission executed by Lela Hodge February 26, 1901 shows that her sister, Delila Polk, died April 21, 1900.

By MR. FEARS:
Q You say it was in April that Walter Hutton came to your house and told you he had a fine girl at his house? A Yes sir.
Q How long after before you saw this child? A That's something I don't know; but it wasn't very long.
Q About? A About as long as I thought the woman would be laying in
Q About how long? A It might have been a week or two weeks or somethin like that; I wouldn' t go to the house till I thought she was up

BY COMMISSION:

An affidavit on file with the Commission in the matter of the application for the enrollment of Roy Hutton, child of Doc Hutton and Lula Hutton, shows that he was born April 7, 1901. A copy of that affidavit is made part of the record herein.

An affidavit on file with the Commission in the matter of the application for the enrollment of Everet Hutton, Jr., child of Everet Hutton Sr. and Delila Hutton, shows that he was born April 22, 1901.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 16th day of December, 1904.

Notary Public.

En. 560.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. JUNE 21,1905.

In the matter of the application for the enrollment of Essie Hutton, as a citizen by blood of the Creek Nation.

Appearances:-- W.T.Fears, attorney for applicant.

Agnes Hutton,being duly sworn, testified as follows:

Examination by the Commission.
Q What is your name? A Agnes Hutton.
Q How old are you? A I don't know how old I am.
Q Well about? A 44.
Q What is your post office address? A Huttonville.
Q Do you know Nancy Hutton? A Yes sir.
Q Is she related to you? A She is a daughter of mine.
Q What is the name of her husband? A Walter Hutton
Q Do you know a child of theirs named Essie ? A Yes sir.
Q Do you know how long ~~after the~~ ~~war~~ it was that Nancy and Walter Hutton were married before Essie was born? A About a year or little over.
Q What time of the year was Essie born? A April.
Q What time of the year were Walter and Nancy were married?
A In February.
Q What year were they married? A I don't know I ~~could~~ ~~n't~~ couldn't tell you that.
Q Do you know W.L.Harrison? A Yes sir.
Q Do you know a child of his born about the same time Essie was born? A No sir, his child wasn't born about the time Essie was.
Q How long before Essie was born? A I don't know, the child was born Christmas, it was cold.
Q Do you remember the 4th of August celebration in the year that Essie was born? A Yes sir.
Q Was Essie born before or after that? A She was a good size girl then, she had been here a good while, she was born in the spring.
Q Did you write down in a book or anything the date of Essie's birth? A Yes sir.
Q Can you remember what it was? A The boys wrote it down in a book. I can't write. I don't know the the dates of the month or or years.
Q Did you see the boys write it in a book? A Yes sir.
Q What boys do you mean, your sons? A Yes sir.
Q And you are sure that Essie was born in the spring of 1901?
A Yes sir.
Q Is Essie living now? A Yes sir.

By Mr. Fears.
Q In what month was she born? A In April.
Q What time? A Along about the time when the plant cotton.
Q What time do you plant cotton? A We plant about the 2nd or 3rd of the month?
Q What ~~time~~ month? A April.
Q In April? A Yes sir.
Q You say she was born before the first of May? A Yes sir.
By the Commission. She had two children when I was there, one was born in July an is younger than this.

By the Commission:
Q Have they made application for their child's enrollment.
A No sir, it died.
Q When was it born? A It would have been two years old this coming July.

Nancy Hutton being duly sworn, testified as follows:

Examination by the Commission:
Q What is your name? A Nancy Hutton.
Q How old are you? A 22.
Q What is your post office address? A Huttonville.
Q Are you the mother of Essie Hutton? A Yes sir.
Q What time of the year was Essie Hutton born? A April 10.
Q How do you remember that date? A I just remember it. I put it down in a book.
Q Do you remember a child of W.L. and Lillie Harrison born about the sametime as Essie? A I don't remember when it was born. I know the child.
Q Do you know hod old Essie was when that child was born?
A I just couldn't exactly tell you how old she was.
Q Well about if you know? Was she as much as six months, nine months or 10 months? A She was--- I don't know how old she was.
Q What time of the year was Essie born? A 1901.
Q What time of the year, spring, summer or winter. You remember the celebration the colored people have every summer? A Yes sir.
Q Did you attend that celebration that summer? A No sir.
Q Why didn't you go? A Well, because I wasn't fixed to go and I didn't go.
Q As a matter of fact wasn't Essie born just before this celebration? A No sir.
Q How old was she at that time? A She was three months old. If I make no mistake.
Q How long after you were married before Essie was born?
A About a year.
Q Was it more than a year or less than a year? A About a year.
Q Was it as much as a year or six month? A I don't know. About a year I think.
Q Is Essie living now? A Yes sir.
Q How old is she? A She is four years old and two months.
Q Are you sure that Essie was born in April? A Yes sir.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct transcript of her stenographic notes as taken in said case on said date.

Lona Merrick

Subscribed and sworn to before me this 12 day of June, 1905.

Notary Public.

S.C.

En.560.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Essie Hutton as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on December 1, 1902, the affidavit of Nancy Hutton relative to the birth of her minor child, Essie Hutton, was filed with the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, which said affidavit is considered as an application for the enrollment of said Essie Hutton as a citizen by blood of the Creek Nation.

Further proceedings were had July 6, July 7, September 20, December 1, and December 15, 1904, and June 21, 1905.

The evidence shows that said Essie Hutton was born in the month of April 1901, and that she was living at the date of the last proceedings herein.

The evidence further shows that said Essie Hutton is the minor child of Walter Hutton and Nancy Hutton and an examination of the records of this office shows that the name of said Walter Hutton is contained in the partial list of Creek freedmen approved by the Secretary of the Interior March 28, 1902, roll No. 4172, and that the name of said Nancy Hutton, as Nancy McGee, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 13, 1902, roll No. 3016.

It is, therefore, ordered and adjudged that said Essie Hutton is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the act of Congress approved June 30, 1902 (32 Stats.500), and the application for her enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory.

OCT 12 1905

COPY

Eufaula, I.T.

Nov 8 1903

Hon Dawes Commission

Muskogee I.T.

Gentlemen I wrote you several months ago. about my son Jessie R. Harrison that was borned since May 25 1901 and got no answer. Walter Hutton has filed for a girl child of his born July 27 1901. Are there any difference in the Shares of young children are why is that some people are allowed to file for children borned since May 25 1901 and others are not. Please give information.

Very Truly,

(Signed) W.L.Harrison.

Copy

Eufaula I.T.

Nov.9, 1903.

Hon Dawes Commission

Yours of Nov.5 1903 is duly received contents noted. Requesting me to furnish the name of the child of Walter Hutton's her name is Dora It is the only child that he has living and his first borne. Also the woman that nursed her when born is Mrs Lucy Johnson of Okfuskee I.T. he filed near Okla line and is renting or negociating said land with a non citizen

Very Truly

(SIGNED) W.L.Harrison

Box 87

Eufaula, I.T.

I 4396
4492

Muskogee, Indian Territory, November 5, 1903.

W. L. Harrison,

Eufaula, Indian Territory.

Dear Sir :

The Commission is in receipt of your letter relative to the right to enrollment of your son, Jessie R. Harrison, who, it is stated, was born since May 25, 1901. It is also stated that Walter Hutton has filed for a girl child of his born July 27, 1901. You ask why it is that some people are allowed to file for children born since May 25, 1901, and others are not.

In reply you are advised that no child born since May 25, 1901, is entitled to enrollment as a citizen of the Creek Nation. You are requested to furnish the Commission with the name of the child of Walter Hutton which you state was born July 27, 1901, and the matter will be investigated.

Respectfully,

Chairman.

Cr. I. 4492.

Muskogee, Indian Territory, November 13, 1903.

A. P. Murphy,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There are enclosed herewith for your information ~~copies~~ copies of letters received by the Commission from W. L. Harrison of Eufaula, Indian Territory, concerning the enrollment as a citizen of the Creek Nation of Nasie Hutton. Said Nasie Hutton has been regularly listed for enrollment on Creek Indian Card, Field No.4492.

Respectfully,

Chairman.

MGH 1.

I. 4492

Muskogee, Indian Territory, July 25, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

December 1, 1902, Walter Hutton appeared before the Commission and made application for the enrollment of his minor child, Essie Hutton as a citizen of the Creek Nation, and said child was listed for enrollment but her name has not been reported to the Department for approval.

Under date of November 2, 1903, W. L. Harrison addressed the Commission on the subject. Further testimony in the matter was taken by the Commission July 6, 1904.

The Commission is not satisfied that said child is entitled to enrollment. The Creek Nation will be allowed a reasonable time within which to introduce evidence in the case.

Copies of the testimony in the case and of the letter to the Commission from W. L. Harrison are herewith inclosed.

Respectfully,

HGH-1-25.

Commissioner in Charge.

383

Cr. En. 560

Muskogee, Indian Territory, December 7, 1904.

Walter Hutton,

Eufaula, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed thirty days from date within which to introduce additional evidence in the matter of the application for the enrollment of your minor child, Essie Hutton, and that if no further evidence be offered within that time, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Register

J.B.S.

En. 860

Muskogee, Indian Territory, December 7, 1904.

W. T. Fears,

Attorney for Essie Hutton,

Eufaula, Indian Territory.

Dear Sir:

You are hereby [redacted] that you will be allowed thirty days from date within which to introduce additional evidence in the matter of the application for the enrollment of Essie Hutton as a Creek Freedman, and if no further evidence be offered within the time mentioned, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Creek En. 660.

Muskogee, Indian Territory, June 3, 1905.

Walter Hutton,

Huttonville, Indian Territory.

Dear Sir:

The Commission desires further evidence in the matter of the application for the enrollment of your minor child, Essie Hutton, as a citizen by blood of the Creek Nation.

You are advised to appear before the Commission at its office in Muskogee, Indian Territory, within twenty days from date with two witnesses who know the date of the birth o said Essie Hutton, and whether or not she was living March 4, 1905.

Respectfully,

Commissioner in Charge.

Or Rm 860

Muskogee, Indian Territory, October 13, 1906.

A. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Annie Hutton as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if, at the expiration of that time, no protest has been made, said Annie Hutton will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JY.-13-1c

Cr Mn 860

Muskogee, Indian Territory, November 13, 1906.

Pears & Liedke,

Attorneys for Mosie Hutton,

Eufaula, Indian Territory.

Gentlemen:

In compliance with your request of November 9, 1906, there is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Mosie Hutton as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JYM-13-3

Residence: _____ Card No. [redacted]

Post Office: Eufaula, Ind. Ter. NATION. _____ ROLL. Field No 4492

Dawes' Roll No.	NAME	Relationship to Person first Named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT. Year.	District.	No.	TRIBAL ENROLLMENT OF PARENTS. Name of Father.	Year.	District.	Name of Mother.	Year.	District.
	1 Hutton, Essie		1/2	F	1/8		Tuskegee		Walter Hutton	Admitted by Dawes Com.		Nancy Hutton	1890	Tuskegee
	2													
	3													
	4													
	5													
	6					No. 1 was born Apr. 10. 1901, and was living May 25, 1901. Proof attached.								
	7					Father on Fr. Card No. 1142. Roll No 4172								
	8					Mother on Quk Card No. 892. Roll No 3016. as Nancy McGee.								
	9					Mother on 1895 roll.								
	10													
	11	CITIZ. CERT'F ISSUED FOR No. 1												
	12	DEC 1 1902												Dec. 1. 1902.
	13													
	14	[illegible]												
	15	THE SOU. BRANCH ATLANTA, GEORGIA												
	16													
	17													
	18													

CR EN 561

CR EN 561

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., July 7, 1904.

In the matter of the application for the enrollment of Clementine Isabelle Crabtree as a citizen of the Creek Nation.

JANE MILNER, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Jane Milner.
Q You say your name was Jane Hutton before you married? A Yes, sir
Q What is your age? A I hardly know my age but I think I am 23.
Q What is your post office address? A Huttonville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A That is what I don't know, I have to go by what my father said about it.
Q What did you father say? A I don't know.
Q Who is your town king? A I don't know.
Q Are you the mother of Clementine Isabelle Crabtree? A Yes, sir.
Q Did you execute a birth affidavit in the matter of her birth? A Yes, sir.
Q Is Clementine living? A Yes, sir.
Q How old is she? A Four years old--three---going on four years old--that is right.
Q Did you make a record of the date of the birth of Clementine? A My step-mother has it at her house.
Q Where does your step-mother live? A She lives over here.
Q Who wrote the date of the birth in the book? A My step-mother.
Q Who is the father of Clementine? A George Crabtree.
Q Is he living? A Yes, sir, he is living.
Q You are married now are you? A Yes, sir.
Q Have you always had possession of the child? A Yes, sir.
Q What is your husband's name now? A George Milner.
Q Why is it you have never come in and never offered any evidence in this matter? A I couldn't take three witnesses with me. I went there to file for her and they said I would have to have three witnesses and I was not able to bear the expenses.
Q Is the record of the date of the birth of Clementine made in pencil or pen? A I don't know. My step-mother made it when Clementine was two days old.
Q Did you go to that record when you made out the affidavit? A Yes, sir.
Q Have you had any children born since Clementine was born? A Yes, sir.
Q How old is it? A Two months old.
Q What is its name? Doc Milner.
Q Is Clementine here now? A Yes, sir.

LULA HUTTON, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Lula Hutton.
Q What is your age? A Thirty-three years old.
Q What is your post office? A Huttonville.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Are you a citizen of any Indian Tribe? A No, sir.
Q Citizen of United States? A Yes, sir.
Q Do you know Jane Milner? A Yes, sir.
Q Do you know a child of hers named Clementine? A Yes, sir.
Q Did you attend on her when Clementine was born? A Yes, sir.

Q Did you make a record of the date of the birth of Clementine? A Yes, sir.
Q Have you that record here with you now? A I have.
Q Did you make that record yourself? A Yes, sir.

By Commission:
The witness presents a book, the title of which is "Compendium of Cookery and Reliable Receipes", cloth bound, and on the inside of the back board is written in pencil (excepting for one word "Lula") are dates of birth and dates of death. The eleventh entry, in three lines, is as follows: "Clementine I. Crabtree Born Wednesday May 1, 1901 at 6 P. M."
The entry appears to have been made sometime as the lines are blurred and spread and clearly shows to have not been written over.

Q (exhibiting the book and pointing to the entry regarding the date of the birth of Clementine) Is that your writing? A That is my hand-writing.
Q When did you make this entry regarding the date of the birth of Clementine? A I made---I can't tell you the time I made that but her mother came to my house and asked me if I had it down and I told her that I didn't have it down and she had it on a piece of paper and I copied it down. Clementine was a small child still wearing long cloths.
Q You didn't make this entry at the time Clementine was born? A Not at the time I was busy and it sliped my memory for the present.
Q Can you recollect the date of the birth of Clementine? A I can yes, sir, recollect it well.
Q I thought you said it sliped your memory? A I mean putting it down on the book, being busy.
Q You say you copied this from the paper that the child's mother brought to you? A Yes, sir.
Q Can you swear positively that this is a correct copy of the record she handed you? A Yes, sir, I can swear that it is.
Q Have you any children born about the same time Clementine was born? A I have a little boy that is not quite a month older than she is liking two or three days.
Q What is that child's name? A Name is Roy Hutton.
Q Who is his father? A Doc Hutton.
Q Is that the way he is enrolled by the Commission? A Yes, sir, he is enrolled Doc Hutton.
Q Have you a record of the date of the birth of Roy? A It is in that book. We have filed for Roy and received his deeds. Roy was born the 7th of April, 1901 and Clementine was born the 1st of May, 1901.

JANE MILLER recalled:

By Commission:
Q Did you make a record of the date of the birth of Clementine? A Yes, I put it down well enough so Lula could understand it. I can't write very good.
Q How long after the birth of Clementine before you wrote it down? A Soon as I got so I could get up I wrote it down the date of her birth.
Q How long before you had Lula write it down in the book? A Soon as she got so I could take her out.
Q How long was that? A Well as I can remember she was about three or four weeks old.
Q Did you compare the record that Lula made with the one that you made so that her record would be correct? A Yes, sir.
Q Did you look at your record and then look at hers and see that it was the same? A Yes, sir.

Q What did you do with the record you made? A I don't know what did become with it. I didn't take care of it after I got it in a book.
Q Do you know Essie Hutton a child of Walter and Nancy Hutton? A Yes, sir.
Q How long after your child was born was Essie born? A I don't know which is the oldest. They was both wearing long cloths at the same time.
Q Do you know how long after you child was born until Essie was born? A I don't know how old Essie is.
Q What is your best recollection as to the length of time? A I just naturally can't give that child's age but I know it can't be very much older for they was both wearing long cloths the same time.
Q What other witnesses have you? A Haven't any except the children and visiters and the visitors are all gone from here.

LULA HUTTON recalled:

By Commission:
Q Do you know Walter and Nancy Hutton? A Yes, sir, I know them.
Q Do you know their child, Essie? A Yes, sir.
Q How long after the birth of Clementine until Essie was born, to the best of your recollection? A I wont be positive about Essie's birth because, though they are in the family, I never visit them. I never keep any of their children's births.
Q What is your best recollection about it? A I cant tell you anything about her birth. I didn't wait on her mother and couldn't tell you anything about it.
Q When did you first see her? A I don't know.
Q What year? A 1901. Her mother had her to church.
Q How old did she appear to be at that time? A I aint no judge of children in long cloths at all. Around here some are small and some are large for their age.

DOC HUTTON, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Doc Hutton.
Q What is your age? A About 40.
Q What is your post office? A Huttonville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Canadian.
Q Is Jane Milner your daughter? A Yes, sir.
Q What town does she belong to? A She belongs to the same town.
Q Do you know a child of hers named Clementine Isabelle Crabtree? A Yes, sir.
Q Do you know when she was born? A I couldn't tell you what day of the year.
Q Have you a child named Roy? A Yes, sir.
Q How long before Clementine was Roy born, to the best of your recollection? A I couldn't tell you how much difference there is between those two children. Roy is the oldest that is about all the difference there is. There aint a years difference between the two children.

------:(:------

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 27th day of July, 1904.

Charles N. Haskell

Notary Public.

Ex.341.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Clementine Isabelle Crabtree as a Creek Freedman.

-: S T A T E M E N T :-

The records of the Commission examined and the name of Jane Milner, the mother of the said applicant, Clementine Isabelle Crabtree, is identified on the partial list of Creek Freedmen, approved by the Secretary of the Interior, March 28, 1902, Roll No. 4134, as Jane Hutton.

The records of the Commission further examined and the name of George Crabtree, father of the said applicant Clementine Isabelle Crabtree, is found in the partial list of Creek Citizens by blood, approved by the Secretary of the Interior, March 13, 1902, Roll No. 2805.

Chairman.

SEP 1 1904

31

20

IN RE

Application for Enrollment of

INFANT CHILD

Clementine Isabell Crabtree

as a citizen of

Creek

.....Nation.

Approved ..... 190....

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Dec 6 1907.
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment as a citizen of the Creek Nation,
of Clementine Isabell Crabtree, born on the 1st day of May, 1901
(Here insert name of child.)
Name of Father: George Crabtree a citizen of the Creek Nation.
Name of Mother: Jane Hutton a citizen of the Creek Nation.
Post-office Eufaula I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
Western District.

I, Jane Hutton, on oath state that I am 21 years of age and a citizen, by adoption, of the Creek Nation; that I ~~am the lawful wife of~~ was never lawfully married to George Crabtree, but he is the father of my child who is a citizen, by blood, of the Creek Nation; that a female (male or female.) child was born to me on 1st day of May, 1901; that said child has been named Clementine Isabell Crabtree, and is now living.

Jane Hutton

WITNESSES TO MARK:
(Must be Two Witnesses.) W. T. Sears,
H. C. Mellon

Subscribed and sworn to before me this 1st day of Dec, 1902.

W. T. Sears,
NOTARY PUBLIC

Mrs 6

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District,

I, Lula Hutton, a Midwife, on oath state that I attended on ~~Mrs.~~ Jane Hutton, ~~wife of~~ on the 1st day of May, 1901; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Clementine Isabell Crabtree

WITNESSES TO MARK:
(Must be Two Witnesses) W. [illegible]
A. [illegible]

Subscribed and sworn to before me this 1st day of Dec, 1902.

[illegible]
NOTARY PUBLIC

Mrs 6

En. 561.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Clementine Isabelle Crabtree as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 7, 1904, Jane Milner appeared before the Commission at Eufaula, Indian Territory, and made application for the enrollment of her minor child, Clementine Isabelle Crabtree, as a Creek Freedman.

The evidence shows that said Clementine Isabelle Crabtree is the illegitimate child of Jane Milner, who is identified in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 28, 1902, No. 4134, and of George Crabtree, whose name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior March 13, 1902, No. 2805.

The evidence further shows that said Clementine Isabelle Crabtree was born May 1, 1901 and living on the date of the application herein.

It is, therefore, the opinion of the Commission that said Clementine Isabelle Crabtree should be enrolled as a Creek Freedman in accordance with the provisions of the Act of Congress, June 30, 1902 (32 Stat. 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 2 - 1905

Walker No. 4134

20

IN RE

Application for Enrollment of

INFANT CHILD.

Elenor L. Crabtree

as a citizen of the

Creek *Nation.*

Approved _____ *1900*

_____

Commissioner.

Ec 561

CREEK ENROLLMENT

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
APR 8 - 1905

BIRTH AFFIDAVIT.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Clemon T. Crabtree, born on the 1st day of May, 1901
(Here insert name of child)
Name of Father: George Crabtree, a citizen of the Creek Nation.
Name of Mother: Jane (Hutton) Crabtree, a citizen of the Creek Nation.
Quadrian Colored Freedman
Post-Office: Huttonville I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Western District. }

I Jane Hutton, on oath state that I am 23 years of age and a citizen by adoption, of the Creek Nation; that I am the lawful wife of George Milsee, who is a ~~citizen by~~ Non citizen of the Creek Nation, that a Female (Male or female) child was born to me on the 1st day of May 1901; that said child has been named Clemon T. Crabtree, and is now living.

Jane Milsee

WITNESSES TO MARK.

} Must be Two Witnesses. }

Subscribed and sworn to before me this 14 day of March 1901.

L. G. McIntosh
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Western District. }

I, Lula Hutton, a None citizen on oath state that I attended on Mrs. Jane Hutton, wife of Not married thereto, on the 1st day of May, 1901; that there was born to her on said date a male child (Male or female.) that said child is now living and is said to have been named Clemon T. Crabtree

Lula Hutton.

WITNESSES TO MARK.

} Must be Two Witnesses. }

Subscribed and sworn to before me this 14 day of March 1901.

My commission expires April 10-1903

McIntosh

United States of American Indian Territory,

Western District, Muskogee.

To The Honorable Dawes Commission, Commission to the Five Civilized Tribes:-

Know all men by these presents that I Jane Hutton, an adopted citizen of the Creek Nation, reposing special confidence in my father Dock Hutton, do hereby by these presents make, constitute and appoint my father Dock Hutton my true and lawful agent and attorney in fact to act for me and in my stead in filing for me and my minor child Clarentine Isabell Crabtree. And I do hereby authorize and empower my said attorney to act for me and in my stead in making such selection as [illegible] and to sign any and all necessary papers in such selection and filing before said commission, hereby confirming my own all acts done and performed in said matter by my said attorney.

Jane Hutton.

Subscribed and sworn to before me this 8 day of Dec. 1902.

W. T. Dora,

Notary Public.

Witness.

J. Fitzsimmons

A. J. McKennon

Creek En 561

Muskogee, Indian Territory, February 6, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Clementine Isabelle Crabtree as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Clementine Isabelle Crabtree will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

JYL-6-63.

CR EN 562

CR EN 562

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Eufaula, I. T., July 7, 1904.

In the matter of the application for the enrollment of Willie Lenard Blank as a Creek Freedman.

JANE MILNER, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Jane Milner.
Q What is your age? A Twenty-three, well as I can remember.
Q What is your post office address? A Huttonville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q For whom do you make application for enrollment? A Willie Lenard Blank.
Q When was Willie Lenard Blank born? A In August.
Q What year? A I don't know what year.
Q Have you a record of the date of the birth of Willie? A I guess it is in that book.
Q Who made the record? A Lula.
Q Is he living? A No, sir.
Q When did he die? A He died in October. He was just a year and two months old---I don't know exactly the year.
Q Was Willie a year old when he died? A Yes, sir he was a little over a year old.
Q Why is it you never made application to the Commission for his enrollment? A I just never made any application for him. I had never filed myself.
Q Where were you enrolled? A Papa knows, I don't know where I was at.
Q You remember when he went to have you enrolled? A Yes, sir, I know where we was then. We was living right over there.
Q Was Willie living then? A No, sir, I don't think he was.
Q Who is the father of Willie Lenard Blank? A George Crabtree.
Q How is it you give him the name of Blank? A What is his given name? My mother gave him the name of Blank.
Q And is his name Blank or Crabtree? A Last name is Crabtree.

LULA HUTTON, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Lula Hutton.
Q What is your age? A Thirty-three.
Q What is your post office? A Huttonville.
Q Do you know Jane Milner? A I do.
Q Did she have a child named Willie Lenard Blank? A She did.
Q Do you know when that child was born? A Yes, sir, it was born on August 22, 1898.
Q How do you know that? A Because I waited on her when the child was born.
Q That the only way you have of recollecting his birth? A I made a record of it the same day he was born.
Q Have you that record now? A I have.

By Commission:
The witness presents a book, the title of which is "Compendium of Cookery and Reliable Receipes," Cloth bound. Upon the inside of the back is written in pencil (excepting for the word "Lula") dates of birth and dates of death.
The nineth entry is as follows: "Willie Lenard Blank " (This Ditto mark follows other Ditto marks, the first of which is written immediately below the word "born") August 22, 1898."

Q When was this record made in regard to the birth of Willie Lenard Blank? A Was made the day he was born. I waited on the mother when the child was born.
Q Do you know how old Willie was when he died? A He was a year old and two months. He was a year and one month old when I went to Okmulgee to teach school.
Q You were not here then when he died? A No, sir, they sent word to me that he was dead.
Q Have you any record of the date of the death of Willie? A No, sir, I haven't. I was not at home.
Q Have you the letter in your possession which was written you at the time Willie died? A No, sir, I haven't the letter. They sent it to my husband.

DOC HUTTON, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Doc Hutton.
Q What is your age? A About 40.
Q What is your post office address? A Huttonville.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you the father of Jane Milner? A Her mother says I is.
Q Did she have a child named Willie Lenard Blank Crabtree? A Yes, sir.
Q Who is the father of that child? A She told me it was George Crabtree.
Q How long did he live? A He lived about a year and two months.
Q Do you know when he was born? A No I don't know when he was born. About the date.
Q Do you remember about the Commission having parties in the field taking the census of Creek Citizens? A Mr. Milam's brother come here and taken the census of our family.
Q Was Willie living then? A No, sir.
Q You remember when you went to Okmulgee to have your family enrolled? A I went to Okmulgee to have them enrolled and had to go to Wellington.
Q Was Willie living then? A No, sir, Willie wasn't born then.
Q Do you remember when you filed on your land? A Yes, sir, I remember I filed on it but not the date.
Q Was Willie living then? A No, sir.
Q Do you remember when people first began to file on their land? A No, sir, I don't know when they first commenced filing. They had been filing over a year. I know there was lots of them went to the Commission's office.
Q Do you remember when the Land Office first opened? A No, sir.
Q Do you remember the circumstances and know that it was opened? A I know the Commission was out but I didn't know the Land Office was opened or not.
Q You say you know people began filing a good while before you filed? A Yes, sir.
Q Do you know whether Willie was living when any of those people were filing? A He was bound to be living. They was filing in that year that he died.

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 29th day of July, 1904.

Charles A. Sawyer
Notary Public.

En. 562.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie Lenard Blank as a Creek Freedman.

-: S T A T E M E N T :-

The records of the Commission examined and the name of Jane Milner, the mother of the said applicant, Willie Lenard Blank, is identified on the partial list of Creek Freedmen, approved by the Secretary of the Interior, March 28, 1902, Roll No. 4134, as Jane Hutton.

The records of the Commission further examined and the name of George Crabtree, father of the said applicant, Willie Lenard Blank, is found in the partial list of Creek Citizens by blood, approved by the Secretary of the Interior, March 13, 1902, Roll No. 2806.

Chairman.

SEP 1 1904

Brit & Leach

IN RE

Application for Enrollment of

INFANT CHILD

.....

as a citizen of)

.....Nation.

Approved 190

Commissioner.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Willie L. B. Crabtree (Here insert name of child), born on the 22 day of August, 1898

Name of Father: George Crabtree a citizen of the Creek Nation.

Name of Mother: Jane Milner a citizen of the Creek Nation.

Post-office .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Western District.

I, Jane Milner, on oath state that I am 22 years of age and a citizen, by adoption, of the Creek Nation; that I ~~am~~ was not the lawful wife of George Crabtree, who is a citizen, by blood, of the Creek Nation; that a male (Male or female) child was born to me on 22 day of August; that said child has been named Willie Lenard Blank Crabtree, and ~~is now living, is~~ is about a year and two months.

WITNESSES TO MARK:

Jane Milner

(Must be Two Witnesses.)

Subscribed and sworn to before me this 5th day of July, 1904

Seal

My Com Expires June/1908

Oliver C. Hinkle
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. Western District.

I, Lula Hutton, a Midwife, on oath state that I attended on ~~Mrs.~~ Jane Milner, ~~wife of~~ on the 22 day of August, ~~1903~~; that there was born to her on said date a male (MALE OR FEMALE) child; that said child ~~is now living and~~ is said to have been named Willie Lenard Blank Crabtree, and died in October, 1899, and if my memory serves me right it was the 21st of October. ~~WITNESSES TO MARK~~

Lula Hutton

(Must be Two Witnesses)

Subscribed and sworn to before me this 5th day of July, 1904.

Seal

My Com Expires June/1908

Oliver C. Hinkle
NOTARY PUBLIC.

J.D.B.

En. 562.

Eds.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Willie L. B. Crabtree, deceased, as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 7, 1904, Jane Milner appeared before the Commission at Eufaula, Indian Territory, and made application for the enrollment of her minor child, Willie L. B. Crabtree, deceased, as a Creek Freedman.

The evidence shows that said Willie L. B. Crabtree, deceased, was the minor child of Jane Milner, whose name is included in the partial list of Creek Freedmen approved by the Secretary of the Interior, March 28, 1902 No. 4134, and of George Crabtree, whose name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 13, 1902, No. 2805.

The evidence further shows that said Willie L. B. Crabtree was born prior to April 1, 1899 and died subsequent to that date.

It is, therefore the opinion of the Commission that said Willie L. B. Crabtree should be enrolled as a Creek Freedman in accordance with the provisions of the Acts of Congress, June 20, 1898, (30 Stat. 495) and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 5 1905

Creek En. 562

Muskogee, Indian Territory, January 6, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Willie L. B. Crabtree as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Willie L. B. Crabtree will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

WGH-18

CR EN 563

CR EN 563

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Mellette, I. T., July 14, 1904.

In the matter of the application for the enrollment of Betsy Smith as a citizen by blood of the Creek Nation.

JIM HILL, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Jim Hill.
Q What is your age? A About 43.
Q What is your post office address? A Hasson.
Q Are you a citizen of the Creek Nation? A I am. I am a member of the House of Kings representing Hillabee Canadian Town.
Q Do you know Betsy Smith of Hillabee Canadian Town? A Yes, sir.
Q Is she living or dead? A She died.
Q Can you tell me when she died? A I can't state nothing accurate on that but would refer you to Joe Smith. He knows more about it than I do.
Q Can you tell me about when she died? A It was after the land office opened up.
Q The Creek Land Office you mean? A Yes, sir.
Q You executed an affidavit in the matter of her death did you not? A I attended to it. I was given some death affidavit blanks but I don't remember that I made it out. When I was at Okmulgee they were fixing out those affidavits for death and they requested me to do it and I didn't know the dates and they just gave me some blanks to fill out but I don't think I made them out. But I think Joe Smith made it out for her.
Q It appears from the records of the Commission that James Hill executed an affidavit in which it is stated that Betsy Smith died in February 1901? A I didn't know the date and so I couldn't make out the affidavit up there. If I could I would have made it out up there and I don't remember that I made out any when I come back here. The only thing I would be governed by is that she died after the Creek Land Office opened up.
Q She any relation of yours? A No, sir.
Q How old was she? A I don't really know. She was older than me.
Q About how old do you think she was? A I would suppose she was about the age of 38 or 40.
Q Was she married? A Yes, sir.
Q What was her husband's name? A Sartie Smith.
Q Is he living? A He died.
Q When did he die? A They died pretty close together.
Q Which died first? A I am not certain. Joe Smith can tell you.
Q Did you know Betsy Smith's father's name? A I don't know her father but I have been told that Sam Hawkins was her father.
Q Do you know her mother's name? A I think she must have been named Sokenna.
Q Are they both dead? A Yes, sir.
Q What town did Sam Hawkins belong to? A Ketchapataka.
Q What town did Sokenna belong to? A Hillabee Canadian.
Q Has Betsy any children? A Yes, sir.
Q Name them please? A I have about forgotten their names. Mary Smith.
Q Any other? A The boy they called him Jacob Smith. His Indian name is Sickamaha.
Q Is Mary Smith living? A Died.
Q Is Sickamaha living? A Yes, sir. There is another one named Ella if I am not mistaken. Just had three.

Q Is she living? A Yes, sir.
Q How old is Jacob? A I don't know. Pretty old.
Q Is he of age? A I think he is of age but he is very small. He would not show his age.
Q How old is Ella? A According to my judgment she must be about fourteen years old. Now these may not be correct but I am stating them to the best of my knowledge.
Q Where is Jacob and Ella living? A Close to Hasson. Living with Big William.

---ooo000ooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this August 4th, 1904.

H. C. Martin Jr.
Notary Public.

Dazen #106

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hasson, I. T., July 20, 1904.

In the matter of the application for the enrollment of Betsy Smith as a citizen by blood of the Creek Nation.

JOE SMITH, being duly sworn, testified as follows:

Partly through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Joe Smith.
Q What is your age? A About thirty.
Q What is your post office address? A Hasson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q what town do you belong to? A Tullahassoche.
Q Are you, at present, a member of the House of Kings? A Yes, sir.
Q Do you know Betsy Smith of Hillabee Canadian Town? A Yes, sir.
Q Is she living? A Dead.
Q Was she related to you? A I don't know.
Q Did you know her well? A Yes, sir.
Q Where did she die? A Died about two miles north of Hasson.
Q Did you attend the funeral? A Yes, sir.
Q Can you tell me the date of her death? A I know she died in February but-----When the office was opened to file she died about then. Her and her husband both. I got the record of her husband's death and can tell by the record of her husband's death about the time she died.
Q You say you have a record of the date of the death of her husband? A Yes, sir.
Q What is her husband's name? A Sartie Smith. When we got through making a coffin for Mose Simmons they made one for Sartie Smith and the following week se made a coffin for Betsy Smith. Wesley Smith died a little before the others. They all died in one month. In February.
Q Can you tell the year? A I can't remember. Barney Green can extablish the year I think.
Q Do you remember when the Creek Agreement was ratified by the Creek National Council? A 1901 I think.
Q Was that the same year these people died? A I am some-what uncertain.
Q You stated that you had some records, can you arrive at the year through them? A I thought I had them but in looking over my books I find I haven't got them.
Q To the best of your recollection how many years ago was it? A I think it is going on three years.
Q Who was teacher of the Weogufke School the winter Wesley, Sartie and Betsy Smith and Mose Simmons died? A Luke McIntosh.
Q Is that L. G. McIntosh? A yes, sir.
Q About what was the age of Mose Simmons? A Pretty close to 40.
Q Did he have a daughter named Emma? A Yes, sir.
Q Is she living? A Dead.
Q Do you know the date of her death? A No, sir.
Q Did she die before or after Mose died? A Before.
Q Do you know how long before? A I don't know.
Q Do you know whether Emma died before or after the Creek Land Office opened? A I don't know.
Q Who is the father of Mose Simmons? A Sam Simmons.
Q what town did he belong to? A Weogufke.
Q Did Mose Simmons belong to Weogufke? A Yes, sir.
Q He died the same month that Betsy Smith died? A Yes, sir.

Betsy Smith--2.

L. G. McIntosh, being duly sworn, testified as follows:

By Commission:

Q what is your name? A L. G. McIntosh.
Q what is your age? A 53.
Q What is your post office address? A Eufaula.
Q Are you also know as Luke McIntosh? A Yes, sir. That is my name
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Enrolled under the Kialigee Town.
Q Did you teach school at Weogufke School in the Creek Nation? A Yes, sir.
Q How long did you teach there? A One year.
Q Do you remember the year you taught there? A I can get at it by circumstances. I have a book at home that will give the exavt time but haven't got it here.
Q State what circumstances will enable you to arrive at the year? A When I taught there I came in the Fall just before the beginning of the year and must have taught in two different years. I opened up some where in December and went on over into January the following year and when I went back home in June with my family at Flatrock and we had a child born to us. Her name is Ida McIntosh. She was three years old this last 7th of July in this year and calculating from that I taught in 1901. Teaching in 1900 about one month.
Q Did you know Betsy Smith? A Yes, sir. Knew the family. Knew Sartie and Betsy and taught some of the family. And Sartie and Betsy died while I was teaching school at Weogufke. I was at the funeral of Wesley Smith but was not at the others. They were all neighbors.
Q Did you know Mose Simmons who had a daughter named Emma? A I know Mose but I don't know which one of the girls you mean.
Q The Mose Simmons referred to belonged to Weogufke Town and was a son of Sam Simmons? A I don't know his father.
Q The Mose Simmons referred to is said to have died about the same time that Sartie and Betsy Smith died is that the one you know? A Yes, sir.
Q Do you know whether Mose Simmons died about the same time that Sartie and Betsy Smith died? A They all died pretty near together to the best of my recollection but I am governed in my calculations from the death of Wesley Smith. I went from my school to my home at Flatrock and started back to my school the next day and I went a little off of my road going by Wesley Smith's place with the intention of seeing Wesley Smith. When I arrived there I found him dead. Mose Simmons was in bed very sick when Wesley died and about six days after Mose Simmons died
Q Was it an epidemic of some kind that caused the death of these persons? A No, sir.
Q What was the cause? A From what I heard Wesley Smith had the pneumonia and it is my opinion that Mose Simmons died with the same sickness.

The records of the Commission show that Mose Simmons is listed for enrollment on Creek Card Field No. 2754.

----:oOOOo:----

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and complete transcript of his stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 8th day of August, 1904.

Wm Martin Jr
Notary Public.

En. 563.

883

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Betsy Smith, deceased, as a citizen by blood of the Creek Nation.

:o: D E C I S I O N :o:

The record in this case shows that on July 14, 1904, Jim Hill appeared before the Commission at Mellette, Indian Territory, and made application for the enrollment of Betsy Smith, deceased, as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Hasson, Indian Territory, on July 20, 1904.

The Tribal Rolls of the Creek Nation in the possession of the Commission examined and said Betsy Smith, deceased, identified on the 1890 and 1895 Rolls of said Nation.

The evidence shows that said Betsy Smith, was living on April 1, 1899 and died subsequent to that date.

It is, therefore, the opinion of the Commission that said Betsy Smith, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the Acts of Congress, June 28, 1898, (30 Stat. 495) and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. R. Buetting Jr.
Commissioner.

Muskogee, Indian Territory,

FEB 2 - 1905

Mississippi Canadian
No. 69 - 1898 Roll

106

IN RE
THE DEATH OF

Betsy Smith

a citizen of the

Creek Nation.

Approved 1

Commissioner.

12-18-03.
6.70

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Aug 26 1901
ACTING CHAIRMAN

Rec'd August 26, 901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Betsy Smith (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Thurman (Here insert name of post office.), Ind. Ter., and died ~~on~~ in the month ~~day~~ of February, 1901.

AFFIDAVIT OF ~~RELATIVE~~ acquaintance

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, James Hill, on oath state that I am 40 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula (Here insert name of post office), Ind. Ter.; that I ~~am~~ was personally acquainted with (State relationship, as: the father; an uncle; a cousin, etc.) of Betsy Smith (Here insert name of deceased), who was a citizen, by blood, of the Creek Nation; and that said Betsy Smith (Here insert name of deceased.) died ~~on~~ in the month ^ day of February, 1901

James Hill

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 7th day of August 1901.

William T Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, William Barnett, on oath state that I am 45 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Thurman (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Betsy Smith (Here insert name of deceased.) who was a citizen, by blood, of the Creek Nation; and that said Betsy Smith (Here insert name of deceased.) died ~~on~~ in the month ^ day of February, 1901.

William his X mark Barnett

WITNESSES TO MARK

(Must be Two Witnesses)

W. A. Wallace
George W Tiger

Subscribed and sworn to before me this 7th day of August 1901.

William T Martin
Notary Public

1883

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
D. C. 106.

Muskogee, Indian Territory, January 30, 1904.

Segomaha Smith,

Thurman, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit relative to the death of Betsy Smith, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said Betsy Smith, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Creek En 563

Muskogee, Indian Territory, February 6, 1905.

W. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Betsy Smith (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Betsy Smith (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JY.-C-CL.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cr.En. 883.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 18, 1906.

Betsy Smith,

Hanna, Indian Territory.

Dear Madam:

You are advised that your name is contained in the partial list of Creek citizens, approved by the Secretary of the Interior April 6, 1904, and that application for a selection of land in the Creek Nation may now be made for yourself at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 564

CR EN 564

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 13, 1904.

In the matter of the application for the enrollment of Elsie Fish as a citizen by blood of the Creek Nation.

JIMSEY FISH, being duly sworn, testified as follows:

Through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Jimsy Fish.
Q What is your post office? A Indianola.
Q How old are you? A I don't know.
Q About how old are you? A The time of the War I was a very good sized boy and saw the fight at Elk Creek.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Hutcheohuppa.
Q For whom do you make application? A Elsie Fish.
Q Who was her father? A I am.
Q What is her mother's name? A Hunny.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q What town does she belong to? A Kialigee.
Q Is Hunny Fish, mother of Elsie, living? A No, sir.
Q How long ago did she die? A Four or five years.
Q Has she received an allotment as a citizen of the Creek Nation? A She had not when she died. I suppose she has been filed but I know nothing about the filing. Her brother might have done it.
Q How old was she? A About 18. She had had two children. She might have been twenty.
Q What is the name of her other child? A Had not named the child. It died very young.
Q Is Elsie Fish living? A No, she died.
Q How old was she when she died? A She was about a year old.
Q What is the date of her death? A 1901.
Q What month? A I think May.
Q What date in May? A Some where about the 16th of May.
Q Have you a record of the date of the death of Elsie Fish? A Yes, sir.
Q Where is it? A I have it.
Q Will you let me see it? A Yes, sir.

The witness presents what appears to have been a page of an index to a memorandum book, as the lower right hand corner appears the letter "W" and that corner is clipped as is an index page. It appears as though the upper part of the page had been torn off and the part on which is written the following torn from the book:

"Elsie Fish was born in Nov. 1. in 1899 and she died in May 16 1901."

The same is marked exhibit "A"

Q Is this the only record of the date of the birth and death of Elsie Fish that has been made? A That is the original.
Q Who made this record? A Jim Hill's wife.
Q What is her name? A Polly Hill.
Q When did she write this down? A She was at the burial but I don't know when she taken it. She might have taken it that day.
Q Was she present at the birth of Elsie? A She got there afterwards but she wasn't there at the time of the birth.

Q Is Polly Hill any relation of yours? A No relation of mine, but only a friend to my wife. They had been school mates together.
Q Can you read or write in English or Creek? A No, sir. I can read writing in Creek but I can't write.
Q Are you married now? A A little that way.
Q What do you mean? A I got a woman there at my house.
Q Have you had any children born to you since Elsie was born? A The woman that I have now has had a child.
Q What is the name of the child? A We just called her girley.
Q Is she living? A Dead.
Q How long did she live? A Only lived about a year.
Q What is the date of her birth? A About 1903. She died in the last year and she was just a year old.
Q How long had Elsie been dead when that girl was born? A Some where about a year if not longer.
Q How long after the birth of Elsie, until her mother, Hunny, died? A Elsie was born in November and she was sick from then until the following year, February or March, until Hunny died.
Q Do you remember the circumstance of the Creek Land Office opening in Muskogee? A I don't know that. I was not in office then.
Q Do you know whether anyone had filed or not when Hunny died? A I am not certain but I heard that people were filing but I don't remember.
Q Did you file for yourself? A No.
Q To the best of your recollection give as near as you can the age of Elsie when she died? A Probably she lived a year. Might not have been quite that long.
Q Could she talk when she died? A Yes, sir. Couldn't talk much.
Q Could she walk? A She might have walked but she was a sickly child and did not walk.
Q Was Elsie born and did she die in the Creek Nation? A Yes, sir.

---oooooooooOOOoooooooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this August 4, 1904.

W. D. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 14, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Nisie Fish as a citizen by blood of the Creek Nation.

JIM HILL, being duly sworn, testified as follows:

Through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Jim Hill.
Q What is your age? A About 45.
Q What is your post office address? A Wasson.
Q Are you a citizen of the Creek Nation? A I am.
Q Do you hold any official position in the Creek Nation? A Yes, sir.
Q State it? A I am a member of the House of Kings representing Hillabee Canadian.
Q Do you know Jimmy Fish? A Yes, sir.
Q Do you know his wife Hunny Fish? A Yes, sir.
Q How long did you know that family? A I am very well acquainted with them. I known them since they were children.
Q Did they have a child named Nisie Fish? A Yes, sir.
Q Can you tell me when that child was born? A I can't tell you the date of the month but to the best of my judgment I believe she was born in 1899.
Q How old was she when she died? A She died in September 1901 I believe.
Q Did you attend the funeral? A I was not there when she died. I was up to council to ratify the treaty.
Q What treaty was that? A The first treaty. In 1901 it was that that treaty was ratified. The 25th day of May, when I was there but she didn't die right on that day but died while I was up there.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4th day of August, 1904.

M. T. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 15, 1904.

SUPPLEMENTAL TESTIMONY, in the matter of the application for the enrollment of Elsie Fish as a citizen by blood of the Creek Nation.

POLLY HILL, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Polly Hill.
Q What is your age? A 87 past.
Q What is your post office address? A Bufaula is my post office but Hanson is the nearest.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tulsa Canadian.
Q Do you know Jimsey Fish? A Yes, sir.
Q Did you know his wife, Hunny Fish? A Yes, sir.
Q Did you know a child of theirs named Elsie? A Yes, sir.
Q Do you know when Elsie was born? A Yes, sir.
Q Have you a record of the date of the birth of Elsie? A Yes, sir.
Q Have you got it here now? A Yes, sir.

The witness presents a memorandum book which is indexed by letters. On the last page of which is found:

"E. F. Nov 1, 1899.
Died in May 16, 1901."

Q What does "E. F." stand for? A Elsie Fish.
Q What does "Nov" 1, 1899" refer to? A Birth of Elsie Fish.
Q And is "Died in May 16, 1901." the date of Elsie Fish's death? A Yes, sir.
Q When was this record made? A I made out another one and it got wet and I made this one. It was in a larger book but it got wet.
Q Have you got that book from which you transferred these dates? A It was wet and all ruined.
Q Could you swear that this is a correct copy of the dates of the birth and death of Elsie Fish as written in that book? A Yes, sir.
Q How did it happen that you made a record of the dates of the birth and death of Jimsey Fish and Hunny's child? A I was at the burial and they requested me to make a record. They cannot write. And also the date of the birth.
Q Was you intimately acquainted with the family? A Yes, sir.
Q Did you furnish Jimsey Fish with a copy of the record of the date of the birth and death of his child Elsie? A Yes, sir.
Q What did you write it on? A Piece off of that book. (pointing to book containing record offered as evidence herein)
Q

Exhibit "A" appears to have been a leaf taken from this book, it bearing the same lines, the same size and apparently the same color of paper and letter "W" of the index is missing.

Q How long after the date of the birth of Elsie Fish before you saw the child? A The child was two months old before I saw it.
Q How did you obtain the correct date of the birth? A The mother of the child told me.

Suppl. Bible Test. ----8.

Polly Hill witness:

By Commission:

Q Could the mother of the child read and write? A Yes, sir.
Q You made this record yourself did you? A Yes, sir.
Q Were you present at the burial of Nigiel? A Yes, sir.
Q How long after her death before you wrote down the date from which you copied this record? A About two days after.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcription of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 5th day of August, 1904.

M C Martin Jr
Notary Public.

IN RE
THE DEATH OF

Hannah Fish

a citizen of the

Creek Nation.

Approved _____ 190

Commissioner.

Copy—

Copy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Hannah Fish
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Eufaula, Ind. Ter., and died on the 4th day of February, 1900.
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Carson Killer, on oath state that I am 23 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula, Ind. Ter.; that I am brother of Hannah Fish,
(Here insert name of post office.)
(State relationship as: the father; an uncle; a cousin, etc.)
(Here insert name of deceased.)

who was a citizen, by blood, of the Creek Nation; and that said Hannah Fish died on the 4 day of February, 1900.
(Here insert name of deceased.)

Carson Killer

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19th day of April, 1902.

William T. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Caddo Wadsworth, on oath state that I am 60 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Eufaula, Ind. Ter.;
(Here insert name of post office.)

that I was personally acquainted with Hannah Fish,
(Here insert name of deceased.)

who was a citizen, by blood, of the Creek Nation; and that said Hannah Fish died on the 4 day of February, 1900.
(Here insert name of deceased.)

Caddo Wadsworth

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 19 day of April, 1902.

William T. Martin
Notary Public.

Exhibit "C"

No. 564

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elsie Fish, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on July 13, 1904, Jimsey Fish appeared before the Commission at Mellette, Indian Territory, and made application for the enrollment of his deceased child, Elsie Fish, as a citizen by blood of the Creek Nation. Further proceedings in the matter of said application were had on July 14 and July 15, 1904.

The evidence shows that said Elsie Fish, deceased, is the minor child of Jimsey and Hannah Fish who are identified on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Nos. 8813 and 8814, respectively; that said Elsie Fish was born prior to July 1, 1900 and died subsequent to that date.

It is, therefore, the opinion of the Commission that said Elsie Fish, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,

INDIAN TERRITORY,

December 6, 1904

8.8(3)

Creek Mn.564

Muskogee, Indian Territory, December 15, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Minie Fish as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Minie Fish will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

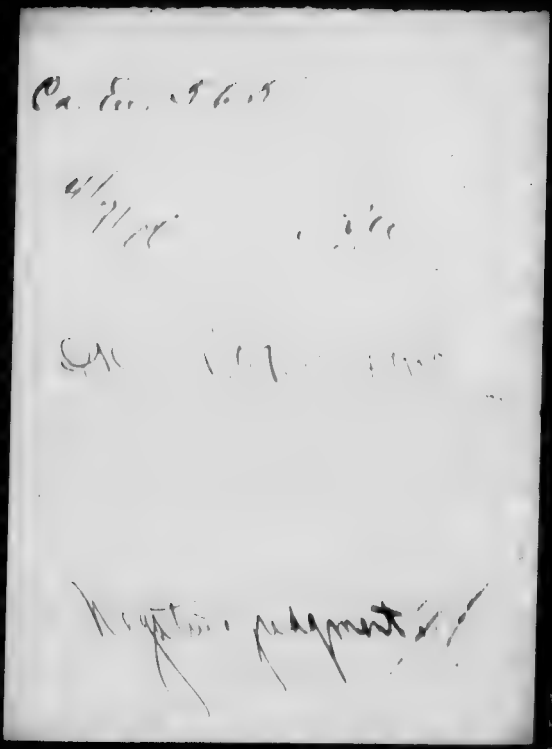
Respectfully,

Chairman.

HGM-le)10

CR EN 565

CR EN 565



Cr.En.565. I.S.M.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lillie Riley, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on December 13, 1902, there was filed with the Commission to the Five Civilized Tribes in Muskogee, Indian Territory, an affidavit in the matter of the death of Lillie Riley, which said affidavit is considered in the nature of an application for the enrollment of said Lillie Riley, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had July 18 and November 29, 1904, November 21, 1905 and March 30, 1906.

The evidence in this case is contradictory as to the date of death of said Lillie Riley, but the weight of evidence establishes such date as prior to April 1, 1899, the date of opening of the Creek Land Office.

It is therefore ordered and adjudged that there is no authority of law for the enrollment of said Lillie Riley, deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.

Muskogee, Indian Territory.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Mellette, I. T., July 15, 1904.

In the matter of the application for the enrollment of Lillie Riley, deceased, as a citizen by blood of the Creek Nation.

JIMSY FISH, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Jimsy Fish.
Q What is your age? A I don't know that.
Q About how old are you? A About fifty-five.
Q What is your post office address? A Indianola.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Hutchetuppa.
Q Are you the town king of Hutchetuppa Town? A Yes, sir.
Q Did you know Lillie Riley? A Yes, sir.
Q What was her father's name? A Johnson Riley.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q He is dead is he not? A Yes, sir.
Q What town did he belong to? A Hutchechuppa.
Q What was Lillie Riley's mother's name? A Wicey Riley.
Q Is Wicey living? A She died.
Q What town did she belong to? A Hutchechuppa.
Q Is Lillie Riley living? A Died long ago.
Q July 14, we visited the house where Lillie Riley lived and saw her uncle, Lewis Riley, who told us that there was a record made of the date of the death of Lillie Riley and that it was in a book and at the present time you had the book. Have you consulted that book to see whether there is a record of the date of the death of Lillie Riley. Lewis Riley said that the record had been made by Johnson, father of Lillie? A I examined the record as best I could but failed to find it. I have the book he referred to.
Q You knew Lillie Riley, didn't you, the child referred to? A Yes, sir.
Q Do you know when she died? A I know that she died but don't know the exact date.
Q State the time to the best of your recollection? A To the best of my knowledge it was when the Snake Band arose and some of them arrested. When the first of them were arrested. I saw her sick in bed.
Q Lillie Riley was a child wasn't she? A Yes, sir.
Q Do you mean you saw the child sick in bed? A I thin that she was sick herself in bed and I believe it was after the birth of the child. But it was not Lillie giving birth to the child but it was afterwards.
Q Who was it you mean was sick? A Wicey.
Q How old was Lillie to the best of your recollection? A She was very small. Not a year old.
Q What would be your best judgment as to the age of the child when she died? A To the best of my knowledge I would say she was a about six months. May be a little over.
Q Did you attend the funeral? A No, sir.
Q How many years ago was that Snake uprising that you refer to? A I don't know that.
Q Was that Snake uprising that you refer to before or after the Creek Citizens began to file on their land? A Yes, sir, after.
Q Did Lillie die before or after the Creek Citizens began to make application for their allotments? A Yes, sir, after.

Q Lillie Riley's parents are dead are they? A Yes, sir.
Q And all her brothers and sisters are dead are they? A All but one, Jonnah was the only one living.
Q Is he known by the name of Jonnah Kenna? A His brother was George Kenna and they called the boy Jonnah Kenna but his father was a Wesley and the boy's name was Wesley.
Q Where is Jonnah Kenna or Wesley? A He lives here but he went to Salt Creek to church.

SYCKIGEE, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:
Q What is your name? A Syckigee.
Q What is your age? A I don't know.
Q About how old are you? A I had child during the civil war.
Q What is your post office? A I never have been to any of them but Mellette.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Kialigee.
Q Did you know Johnson and Wicey Riley? A They have all done been filed. Johnson Riley and the girl, Lucy, both filed and their lands sold by a man by the name of Sartin and that is all they can be filed and that is all I care to know about it. These children you talk about were born to Johnson and Wicey but they died very young and I have been told that they can't be filed. Jonnah Kenny is living and if you go to parties related to Jonnah you might get information that you might need.
Q Did you know Johnson and Wicey? A Yes, sir.
Q Are they living? A Both died.
Q Did you know a child of theirs named Lillie? A I don't know which is Lillie.
Q What was the name of the other one? A They died without any name. They are dead and gone with no name.
Q You don't know them by name then? A No, sir.
Q How often did you see them while they lived? A I nursed them when they died.
Q And those two were they the only children that Johnson and Wicey ever had? A They had a third child but it died without any name.
Q Did you nurse it to? A Yes, sir.
Q What's the longest time that any of them lived to the best of your recollection? A About four months. That was the last child.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs.

Subscribed and sworn to before me this 4th day of August, 1904.

W. P. Martin Jr.
Notary Public.

Mn. 868.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Mellette, I. T., November 29, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Lillie Riley as a citizen by blood of the Creek Nation.

SYOKIGEE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION;

Q What is your name? A Syokigee.
Q How old are you? A I do not know my age but I am over sixty. I was born four years after the immigration to this country from Alabama.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hutchechuppa.
Q Did you know a child of Johnson and Wicey Riley named Lillie? A Yes, sir.
Q Is she living? A She is dead.
Q How long has she been dead? A The parents of the child have now been dead about four years and the child died about a year previous to their deaths.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Did she die before or after the opening of the Creek Land Office? A She died way before the land office opened.
Q Are you positive that she died before the land office opened? A I am certain that she died quite a while before the land office opened.
Q What relation was this child to you? A I am the child's grandmother. I gave testimony about Johnson Riley's children when Luke McIntosh was interpreting for the Commission but it was not about Lillie but about two twins that were born to Johnson and his wife Wicey and died unnamed.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 5 day of December, 1904.

W. A. Meacham
Notary Public.

En. 565.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wetumka, I. T., November 21, 1905.

In the matter of the application for the enrollment of Lillie Riley, deceased, as a citizen by blood of the Creek Nation.

SARTE COWEE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY THE COMMISSIONER:

Q What is your name? A Sarte Cowee.
Q How old are you? A About fifty.
Q What is your post office address? A Wetumka.
Q Are you a citizen of the Creek Nation? A yes, sir.
Q To what town do you belong? A Kialigee.
Q Do you know Johnson and Wicey Riley? A yes, sir, Johnson Riley was a brother of mine.
Q Did they have a child named Lillie? A yes, sir.
Q Do you know when she died? A I think the child died in April. I had a record of her death but I have lost it.
Q In what year did the child die? A A year after the land office opened.
Q Do you know when the child was born? A She was born in 1899; I have forgotten in what month.
Q How old was the child when she died? A The child was about a year old. The child was walking at the time of its death.
Q In what time of the year was the child born? A In the early part of 1899. Sampson Yahola and I executed an affidavit about the death of the child and sent it to the Commission, but a mistake was made in the year and I was advised by the Commission to furnish more evidence but was never able to get the parents to furnish the evidence desired, they being members of the Snake Faction.

According to the affidavit we executed, the child was born and died in the same year. This was a mistake because the child was born in one year and died the next.

Q Was the child living at the time the Creek Land Office opened?
A Yes, sir, and it died after people had been filing about a year.
Q Are the parents living? A They are both dead.
Q Do you know any one who would know the exact date of the child's birth and death? A No, sir.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4 day of Jan 1906.

Notary public.

En. 865.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Wetumka, I.T., March 30, 1906.

In the matter of the application for the enrollment of Lillie Riley, deceased, as a citizen by blood of the Creek Nation.

JONA KENNA, being duly sworn, testified as follows:

Through Alex Posey Official interpreter:

BY THE COMMISSIONER:

Q What is your name? A Jona Kenna.
Q How old are you? A About twenty-three.
Q What is your post office address? A Wetumka.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Kialigee.
Q Were you acquainted with Johnson Riley and his wife, Wicey? A Yes, sir.
Q Do you know a child of theirs named Lillie? A Yes, sir.
Q Do you know when that child was born? A It was born in February but I do not remember in what year.
Q Do you know when it died? A It died in the next February after it was born.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was the child living at that time? A The child was living then.
Q How many years has it been since the child died? A The child has been dead about six years.
Q Have you any record showing the date of its birth and death? A The father had a record showing when the child was born and died but it has been lost.
Q Did you ever see the record? A No, sir, but he told me he had such record.
Q Do you know of your own knowledge that the child was born in February and died the next February after its birth, or were you told that by the father? A I know of my own personal knowledge.
Q Did you ever execute an affidavit relative to the death of Lillie Riley? A Sampson Yahola and myself executed an affidavit.
Q How long had the child been dead when you executed that affidavit? A It was about two years after the child died.
Q The affidavit executed by you and Sampson Yahola states that the child died in May, 1899? A We could not agree on the date of the child's death when we executed the affidavit. Sampson Yahola contended that the child died in May while I was of the opinion that the child died in February. I finally signed the affidavit giving the date shown.
Q Did the child die in the year 1899? A I think so.
Q Can you be positive that it was in that year? A Yes, sir.
Q In February of that year? A Yes, sir.
Q Then you must be mistaken when you state the child was living when the land office opened. The land office had not opened at that time? A If that is true then I am mistaken. The child died in February, 1899.
Q Are you positive? A Yes, sir.
Q Why were you persuaded to sign an affidavit stating the child died in May, 1899, when in fact you knew the child died in February, 1899? A I did not know I was making an affidavit myself but thought I was signing it simply as a sort of witness.
Q Did you swear to the affidavit? A No, sir, I simply signed it.

Q Was the affidavit read to you before you signed it? A No, sir. Sampson Yahola and his wife contended that the child died in May, 1899 but I believed them, and still believe, that the child died in February, 1899.
Q Had any one that you know made selection of land at the time the child died? A No, sir.
Q Was the weather cool when the child died? A Yes, sir, it was cool weather.
Q Were you present when the child died? A I saw it after it was dead.
Q Were you present at its burial? A Yes, sir.
Q Was the child born in February 1898 and died in February, 1899?
A Yes, sir.
Q Is Sampson Yahola living? A No, sir, he is dead.
Q What relation was Lillie to you? A She was my sister.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 2 day of April, 1906.

Notary Public.

383

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREOKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

D. C. 94.

Muskogee, Indian Territory, January 30, 1904.

Jona Kenna,

Wetumka, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of Lillie Riley, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said Lillie Riley, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Cr.No. 865.

Muskogee, Indian Territory, June 30,1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Lillie Riley, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner, dated June 28,1906.

Respectfully,

IM-112. Commissioner.

Through the
Commissioner of Indian Affairs.

Cr.En.868.

Muskogee, Indian Territory, June 30,1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lillie Riley, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

LM-111.

Cr 4n868

Muskogee, Indian Territory, June 30,1906.

Sarte Cowee,

Wetumka, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Lillie Riley, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commissioner is informed of the same.

Respectfully,

Commissioner.

Register.
LM-110.

Cr
565

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JS Jr
LLB

I.T.D. 25560-1906.
D.C. 56360-1906.

December 22, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 30, 1906, you transmitted the record in the matter of the application for the enrollment of Lillie Riley, deceased, as a citizen by blood of the Creek Nation, including your decision dated June 28, 1906, adverse to the applicant.

Reporting December 17, 1906 (Land 56636), the Indian Office recommended that your dedsion be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

Refer in reply to the following:
Land
56636-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

(Copy) December 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated June 30, 1906, transmitting the record relative to the application for the enrollment of Lillie Riley, deceased, as a citizen of the Creek Nation.

An affidavit of the death of Lillie Riley was filed with the Commission to the Five Civilized Tribes at Muskogee, I.T., on December 13, 1902, which was considered as an application for her enrollment as a citizen by blood.

On June 28, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

A preponderance of the evidence establishes the fact that Lillie Riley died prior to April 1, 1899.

In view of Section 28 of the Act of May 25, 1901, (31 Stat.L., 861) the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

C. F. Larrabee,

HRD--SD Acting Commissioner.

Cr. En. 868

Muskogee, Indian Territory, January 8, 1907.

Sarte Cowee,

Wetumka, Indian Territory.

Dear Sir:

You are hereby advised that on December 28, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Lillie Riley, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

Cr. En. 568.

Muskogee, Indian Territory, January 8, 1907.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on December 22, 1906, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Lillie Riley, deceased, as a citizen of the Creek Nation.

Respectfully,

Commissioner.

CR ED 566

566 CR ED

Ch. Ex. 565

4/7/06

CK 4/7/07. 0 7mc

Negative judgment

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., July 14, 1904.

In the matter of the application for the enrollment of Jeannette Fox as a citizen by blood of the Creek Nation.

JIM FOX, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Jim Fox.
Q What is your age? A About thirty years old.
Q What is your post office address? A Stidham.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tullahassoche.
Q For whom do you make application for enrollment as a citizen of the Creek Nation? A Jeannetta Fox.
Q How old is Jeannetta Fox? A About three years and a half.
Q What is the date of her birth? A About the 18th of January 1900.
Q Have you a record of the date of the birth of Jeannetta? A None.
Q What is Jeannetta's father's name? A I am her father.
Q You are the father are you of Jeannetta? A Yes, sir.
Q What is her mother's name? A Ettie Fox.
Q Is she living? A Yes, sir.
Q Is she a citizen of the Creek Nation? A Yes, sir.
Q What town does she belong to? A Tullahassoche.
Q Is Jeannetta living? A Yes, sir.
Q Have you any other children? A Only the two.
Q What is the name of the other one? A Sandy Fox.
Q What is the date of his birth? A Monday morning in February.
Q What year? A It was in last year.
Q What is the date of the month? A About the 25.
Q Can you read and write? A Never tried in English or Creek.
Q How do you fix the date of the birth of Jeannetta when you have no record? A I remember it.
Q Who was the mid-wife at the birth of Jeannetta? A No one but me.
Q Who visited you soon after the child was born? A A man by the name of Sam Long.
Q Any others? A None visited us that we paid any attention to.
Q Have you ever had executed an affidavit in the matter of the birth of your child, Jeannetta? A No, sir.
Q Why is it that you have never done so? A I didn't do it. I can not do it myself. I can't fix it up.
Q Why is it you never made application to the Commission before this time for the enrollment of your child, Jeannetta? A I went to the Commission and the Commission says "have your child recorded in the Town Roll and then let them see to fixing your papers" and I come back but they didn't fix them.
Q Why didn't they fix them for you? A They wouldn't put themselves to any trouble.
Q Who are your townsmen? A Robert Selumber and Joe Smith.

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct transcript of his stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this August 4th, 1904.

T. M. Martin Jr.
Notary Public.

Creek En. 566

Muskogee, Indian Territory, December 10, 1904.

Jim Fox,

Stidham, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your minor child, Jeannetta Fox, there is inclosed a blank form of birth affidavit which you are requested to have properly filled out, duly executed by the mother of the child and the physician or mid-wife in attendance, and return to the Commission in the inclosed envelope which requires no postage.

Respectfully,

Chairman.

1 B. A.

Cr En 566

Muskogee, Indian Territory, January 10, 1906.

Jim Fox,

Stidham, Indian Territory.

Dear Sir:

You are hereby advised that the name of your minor child, Jennetty Fox, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land in the Creek Nation for said child may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JULY 21, 1904.

In the matter of the application for the enrollment of Hattie Sulphur as a citizen by blood of the Creek Nation.

Jim Sulphur being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jim Sulphur.
Q How old are you? A About twenty-seven.
Q What is your post office address? A Burney.
Q Do you make application for the enrollment of Hattie Sulphur as a citizen by blood of the Creek Nation? A Yes sir.
(From this question forward the questions and answers were put and answered through Mr. Alex Posey, official interpreter:).
Q Is the child living or dead? A Living.
Q Are you the father? A Yes sir.
Q What is the name of the mother? A Kizzie Sulphur.
Q Is she living or dead? A Dead; died shortly after the birth of Hattie.

The records of the Commission examined and it appears that James and Kizzie Sulphur are identified on Creek Indian card Field No. 833, and that their names are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Nos. 2863, 2864, respectively.

Q When was Hattie Sulphur born? A Born May 22, 1901.
Q Did you have a child named George? A Yes sir.
Q George is dead is he? A Yes sir.
Q When did George die? A George died June 1, 1901.
Q Was Hattie born when George died? A Yes sir, he was living when the child died.
Q How old was Hattie when George died? A A little over a month; he was quite small.
Q Did you make a record of the birth of Hattie? A --
Q Did you write it down in a book? A Yes sir.
Q Have you that record with you? A Yes sir.
Q When did you write this in here? A When Hattie was born.
Q Did you write this in here when Hattie was born; did you do the writing at that time? A I made the first record in that book on that page when Hattie was born. He says he made the entry in that book on the date that the child was born.

There is presented for the inspection of the Commission a small memorandum book in which the following entry appears: 20 day
Hattie Sulphur born May 22nd '01, age, 3 yr, 2 mo., this July 11 1904

Her mother died Aug 31 '02, when Hattie was 1 yr.-3 mo.-9 da,

(The applicant states that the entry following "May 22",1902" was made recently.)

Q Did I understand you to say that you wrote in this book this entry in regard to the birth of Hattie Sulphur soon after she was born? A Yes sir.

Q Did you make an entry of the death of George? A Yes ; he has the record of George's death also.
Q Where is that? A Here.
Q Did you make an entry inregard to the birth of George? A He says the record of the birth of George is at home.

Applicant presents for the inspection of the Commission another small memorandum book in which appear entries relative to the dates of the death of various persons, and among them is found:

Geo. Sulphur died June 3rd 1901.

This entry in regard to George Sulphur does not appear to have been recently made. The entry referred to in regard to Hattie Sulphur appears to have been made recently and the entire entry inregard to her and her mother appears to have been made at the same time, and is made part of the record herein.

(Witness explains that he has kept that in his trunk all the time and never carried it around like he did the other and that's the reason why it looks newer and he took it out and added the other.)

The records of the Commission show that George Sulphur died June 3, 1901.

Examination by Mr. Mott:

Q Ask him when he made that entry there(referring to the entry in regard to the birth of Hattie)? A On the evening of the day that Hattie was born.
Q Ask him when he made this entry--(referring to the age of Hattie)?
A On July 11th.
Q Ask him when he made this--(referring to the death,of Hattie's mother). A At the same time that he made the last one; July 11th.
Q Ask him if he put this down when she died on July 11th? A He says he was figuring up the age of Hattie and at the same time put down the record with reference to the mother; that was on July 11th.
Q He didn't put down the record of the mother's death until July 11th?
A He has the record of the mother's death also in a separate book.
Q Ask him if he put that down--(producing the second book above referred to) the day she died? A Yes sir.
Q Did he put George down the same day he died? A The day George died.
Q Ask him why he didn't put George's name down ahead of the mother's and before it if George died first? The mother died August 3, 1902, he said he said he put that down the day she died and George died July 1901--- a year before, and he said he put that down the day George died--- ask him why he didn't put George's death down ahead of the mothers'?

By the Commission:

The following entries appear on the second book referred to and in the following order:

Lecus Sulphur died Jan.10 189 Age 18.
Kizzie Sulphur Died Aug.31st 902 1902
Geo. Sulphur Died June 3rd 1901
Edmond Sulphur Died Nov. 9th '99
Ben Cato Died Mar 15 1900
Lizzie Tiger Died

By Mr. Mott:
Q Ask him why he didn't put them down in the book in the order in which they died? A He states that he had made the entries in reference to the blank spaces in the book; Lecus Sulphur, then the entry concerning the death of George was made afterwards.
Q What's his answer that question why he didn't put them down in the order in which they died? A He states that he had a blank space in the book between Lecus Sulphur and the entry referring to George Sulphur and that he put the mother's death in that space.
Q Why did he leave that space there? A It was the space that he left there when he made the entries relating to the death of Lecus and George.
Q He did it inadvertently? A Yes sir.
Q Left that space there inadvertently? A Yes sir; he states that he was making a private record for himself and didn't think it would ever be used in a case of this kind and paid no attention to the order in which they were made.

By the Commission:

Q To the order in which they appear? A Yes sir.

By Mr. Mott:
(Referring to the first mentioned note book)
Q You say you entered the death of Hattie the day it occurr ed?
A Yes sir.
Q The only date that appears on this book is on the second page where there is written James Sulphur, Eufaual, Indian Territory, Oct. 16, 1903. When did he make that, the day he bought the book or when?
A He said he made that when he took the book out of his trunk; he said he had occasion to go before the Indian Agent with reference to proving up some claims, Loyal Creek payment, and made the entry at that time.
Q Ask him if this entry of the death of Hattie is in his own handwriting? A Yes sir.
Q How many, years did he go to school? A He states that he attended the neighborhood schools until he was about 18 after which he attended the mission school two years.
Q How many years altogether? A Something over 10 years.
Q You speak English well, don't you? A He says he can write better than he can talk; his command of English is not fluent.
Q Ask him why he prefers to testify here in Creek rather than English.
A He says the Commission has an interpreter and its his business to interpret for the Indians.

By the Commission:
Q Why haven't you made application for this child before now? A She was sick, and his mother death until his mother die. (Through interpreter) On account of sickness.

By Mr. Mott:
Q Who was the mid-wife in this case? A The mother; Kizzie.
Q Is she living? A She's dead.
Q Ask him if his wife was well after the birth of this child; was ever well? A No sir.
Q If she ever got out of bed? A Occasionally but she was sick all the time.
Q Ask him what his wife died with? A August 31.
Q What killed her? What di ease? A Afflicted in the breast; pain in the breast.

Q Ask him if she nursed the child? A No sir.
Q Never nursed it? A No sir.

By the Commission:
Q Was anyone else present except the wife's mother when the child was born? A My mother was present.
Q Is she living? A Yes sir.

There is delivered to the applicant a blank form of birth affidavit and the applicant is instructed to have his mother execute the same and return it to the Commission.

By Mr. Mott:
Q Ask him what doctor they had when his wife was sick? A She refused to have any doctor; there was none present at her illness.

William Francis being duly sworn testified as follows through Alex Posey, official interpreter:

By the Commission:
Q What is your name? A William Francis.
Q How old are you? A About thirty-two.
Q What is your post office address? A Eufaula.
Q Do you know James Sulphur and his wife, Kizzie? A Yes sir.
Q Did you know a child of theirs named Hattie? A Yes sir.
Q You have a child named Minnie, have you? A Yes sir.
Q Have you any children younger than Minnie? A I have got three.
Q What is the name of the one next to Minnie? A John Francis.
Q Was your child, John, born before Hattie Sulphur or after?
A John was born first.
Q Is John living? A Dead.
Q How old was he when he died? A About 9 months old.
Q How long has he been dead? A About three years.
Q When was John born? A March, 1901.
Q How much older was John than Hattie? How old was John when Hattie was born? A About two months difference in their age.
Q Have you made application to have John enrolled? A He made an application while John was living.
Q Has he been enrolled? A He is enrolled but he has not completed his allotment.

The records of the Commission show that John Francis, son of William Francis, was born March 29, 1901.

Q Do you know when Hattie Sulphur was born? A He thinks that Hattie Sulphur was born May 22, 1901.
Q Why is it that you fix the date as May 22? A He says they lived in sight of each other; lived right there in the same neighborhood.
Q Are you a member of the Creek council? A Not now.
Q Have you ever been? A Yes sir.
Q Was you a member of the Creek council in 1901? When they passed the first treaty? A Yes sir; he says he was a member of the council four years and he thinks the time expired about then.
Q Do you remember when they made the first treaty? A Yes sir but he thinks he wasn't in the house then.
Q But I want to know if he remembers when they made it; does he remember hearing them talk about it about the country? A He says he cant state the year.

Q I am not asking him about the year; I am asking him if he remembers the circumstances? A Yes sir he remembers it.
Q Was this child born, Hattie Sulphur, before that treaty was passed or after? A It was after the treaty was made.
Q Are you certain that this child was born after that first treaty was passed by the Creek council? A Yes sir, I am certain that the child was born after the treaty.
Q Was your son, John, more than two months old when Hattie was born or less than two months old? A He thinks it was not quite two months old.

By Mr. Mott:
Q Ask him if, when he said that Hattie was born on the 22nd of May, if he remembered it because the father told him that she was born on that day? A He says he was there in the neighborhood and remembers.
Q Ask him what year his time ended as member of the council? A Last winter.
Q What year? A 1903.
Q Ask him how long he held office? A Four years.
Q Ask him when he commenced? A About 1900.

By the Commission:
Q Were you present when that treaty was voted on in the council?
A Yes sir.

By Mr. Mott.
Q Ask him if he was at that meeting of the council all the time? When that first treaty was passed? A He says he was back and forth and stayed at home about two weeks during that term of the council.

By the Commission:
Q Was that child, Hattie, born after the council had finally adjourned-all gone home? A Yes sir.

James Sulphur recalled:
By the Commission:
Q Was you ever a member of council? A No sir.
Q Did you hear about this first treaty with the Creeks? That was talked of a good deal among the Creeks about making that treaty? A Yes sir.
Q Do you remember hearing about the Creek Council voting on that treaty soon after it occurred or about the time it occurred? A Yes sir.
Q Were you about Okmulgee then? A He was at home.
Q How long after the treaty passed before your heard of it? AShortly afterwards.
Q Was Hattie born when you heard that the treaty had passed? A Yes sir; I think so.
Q Were there any other children born in that neighborhood about the time your child, Hattie, was born? A I don't know.
Q Was Hattie born before that Creek treaty was passed or after?
A He says he can't state but that he knows that Hattie was born when he heard that the treaty passed.
Q Who is the member of the House of Kings from your town at present?
A Mitchell Yargee.
Q How far does he live from you? A A little over two miles.

The applicant is advised that the Commission desires the testimony

of Mitchell Yargee in this case.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 4 day of August, 1904.

M. G. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I.T. DEC. 14, 1904.

567

In the matter of the application for the enrollment of Hattie Sulpher as a citizen by blood of the Creek Nation.

Mitchell Yargee being duly sworn testified as follows:

By the Commission:

Q Give your name, age and post office address? A Mitchell Yargee; 55; Burney.
Q Do you know Jim Sulpher? A Yes sir.
Q Were you a member of the Creek Council when the first treaty was passed, May 25, 1901? A Yes sir.
Q Did you live near Jim Sulpher at that time? A Yes sir, about 3 miles of him.
Q Were you at that time well acquainted with his family? A Yes sir, at that time, but I never seen the child until they moved up there.
Q Did he have a child born about the time of the passage of that treaty? A Well, I guess so; I don't know rightly but to look at the child I guess it is about that old.
Q Do you remember of hearing of a birth in his family about that time? A No sir; I don't know that.
Q Is that the only child he has, or do you know? A I think he said he had two but one died.
Q This is the only one he has living? A Yes sir.
Q You have seen that child, have you? A Yes sir.
Q Jim Sulphur says the child was born on the 22nd of May, 1901; does the child seem to you to be that old? A Yes sir it would; he talked to me some time ago that he had not enrolled it; his town people had left it out; the child belonged to Tackabatchee--not our town--; he said he thought all the time the child had been enrolled and now it seemed the child had been left off by the town king; only a year ago he found out the town king had left the child off and didn't put it on. He talked to me about it last Spring. He said he thought he had it enrolled.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 14th day of December, 1904.

Notary Public.

En. 567.

E.C.G.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:::000:::---

In the matter of the application for the enrollment of Hattie Sulphur as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

----------o----------

The record in this case shows that on July 21, 1904, Jim Sulphur appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Hattie Sulphur, as a citizen by blood of the Creek Nation. Further proceedings were had December 14, 1904.

The evidence shows that said Hattie Sulphur is the minor child of James and Kizzie Sulphur, whose names are contained in the partial list of Creek Citizens by blood, approved by the Secretary of the Interior, March 28, 1902, numbers 2863 and 2864, respectively; that she was born prior to May 25, 1901, and that she was living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Hattie Sulphur should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the Act of Congress, June 30, 1902, (32 Stat., 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
JUN 1 ' 1905

J.H.J

En. 867

Muskogee, Indian Territory, December 15, 1904.

Jim Sulpher,

Eufaula, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of your minor child, Hattie Sulpher, there is herewith inclosed a blank form of birth affidavit, which you are required to have filled out and duly executed by the mother of the child and the mid-wife or physician in attendance. When duly executed, return the affidavit to the Commission in the inclosed envelope which requires no postage.

Respectfully,

Chairman.

1 B.A.

Cr.En.567

Muskogee, Indian Territory, June 26, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Hattie Sulphur as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Hattie Sulphur will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

AG-26-4

Chairman.

Or An 667

Muskogee, Indian Territory, October 25, 1905.

James Sulphur,

Burney, Indian Territory.

Dear Sir:

You are hereby advised that the name of your minor child, Hattie Sulphur, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior October 17, 1905, and that application for a selection of land in the Creek Nation for said child may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

#10040 En 567

20

IN RE

Application for Enrollment of

INFANT CHILD

Hattie Shepherd

as a citizen of

Delaware Nation.

Approved 190

Commissoner.

Dec 31-01

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Hattie Snephus (Here insert name of child), born on the 22 day of May, 1901

Name of Father: Jim Snephus a citizen of the Creek Nation.

Name of Mother: Kizzie Snephus a citizen of the Creek Nation.

Post-office Eufaula

AFFIDAVIT OF ~~MOTHER~~. Father

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Western District. }

I, Jim Snephus, on oath state that I am 28 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful wife of Kizzie Snephus, who is a citizen, by blood, of the Creek Nation; that a female (Male or female) child was born to me on 22 day of May 1901; that said child has been named Hattie Snephus, and is now living.

WITNESSES TO MARK:

James Snephus

(Must be Two Witnesses)

Subscribed and sworn to before me this 21 day of December 1901

Edward B. Gries

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
District. }

I, , on oath state that I attended on Mrs. , wife of on the day of , ; that there was born to her on said date a (MALE OR FEMALE) child; that said child is now living and is said to have been named

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190

NOTARY PUBLIC

CR EN 568

CR EN 568

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Mellette, I. T., July 15, 1904.

In the matter of the application for the enrollment of Selena Long as a citizen by blood of the Creek Nation.

POLLY HILL, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Polly Hill.
Q What is your age? A Twenty-seven past.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation of Tulsa Canadian Town? A Yes, sir.
Q Do you know John Long? A Yes, sir.
Q Is he living? A Yes, sir.
Q What town does he belong to do you know? A Tulladega.
Q Do you know Eliza Long? A Yes, sir.
Q Is that his wife? A Yes, sir.
Q Is she living? A No, sir.
Q What town did she belong to? A Weogufka.
Q Did you know a child of theirs named Selena Long? A Yes, sir.
Q Do you know whether she is living? A She is living.
Q Do you know the date of her birth? A No, sir. I don't know.
Q Do you know how old she is? A No, sir.
Q Can you tell about how old she is from any circumstance? A She was probably a year old datting from when I came here.
Q Do you mean from the time you moved here to this place? A Yes, sir.
Q Can you tell me the year you moved to this place? A 1897.
Q How long after you came here before you saw Selena Long? A About a month.
Q Have you seen her frequently from that time until now? A No, sir
Q How often have you seen her from time to time? A When the child's mother was living I saw the child quite frequently but since the mother died I have not seen the child for about a year.
Q It has been about a year since you saw Selena the last time? A Yes, sir.
Q Do you know where Selena Long is living now? A I know but don't know exactly where she is living. She is living with Willie Cates and he is living some where about Proctor.

LOUISA CUMMINGS, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Louisa Cummings.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Hasson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Hillabee.
Q Did you know John and Eliza Long? A Yes, sir.
Q Did they have a child named Selena? A Yes, sir.
Q How often have you seen that child during its lifetime? A When it was young I saw it quite often but since it has got a little older I havon't seen it very often.
Q Do you know about how old it is? A I have an idea it is about 9 years old.
Q How do you arrive at the age of Selena? A I had an infant and Selena's mother had an infant and my child was a little older than Selena but they were both infants.

Q what is the name of your child that you refer to? A Essie.
Q Has Essie been enrolled by the Commission? A Not enrolled.
Q Is she living? A Died.
Q Do you remember the date of the birth of Essie? A About the 3rd of September.
Q What year? A I don't know but I have it on the record.
Q Who made the record? A The child's father.
Q Give his name please? A Dave Cummings.

The witness presents a book entitled "Bible readings for the Home Circle" Between the pages 112 and 113 are blank pages for "Scripture memoranda". On the second and third of the blank pages, in pencil, is a record of births and deaths. The first entry is as follows: "Essie Susan Cummings born Sept. 3rd 1895."

DAVE CUMMINGS, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Dave Cummings.
Q What is your age? A About 60.
Q What is your post office? A Hasson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Hillabee.
Q Mr Cummings did you make this record? (exhibiting book containing record offered as evidence herein) A No, sir. That was made by my daughter, Ida Throckmorton.
Q This is your family record is it? A yes, sir.

LOUISA CUMMINGS recalled:

Q Do you know whether Selena Long is living or not? A Yes, sir.
Q How long has it been since you saw her? A About a year since I have seen her.

------:::------

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs.

Subscribed and sworn to before me this 5th day of August, 1904.

Wm B. Martin Jr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hasson, I. T., July 20, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Selena Long as a citizen by blood of the Creek Nation.

JOE SMITH, being duly sworn, testified as follows:

Partly Through L. G. McIntosh Official Interpreter:

By Commission:

Q what is your name? A Joe Smith.
Q How old are you? A About 30.
Q What is your post office address? A Hasson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tullahassoche.
Q What official position do you hold in the Creek Nation? A Member of the House of Kings.
Q At the present time? A Yes, sir.
Q How long have you been a member of the Creek Council? A Going on five years.
Q Do you know a child of John Long or John Foley by the name of Selena? A Yes, sir.
Q Do you know about how old Selena is? A About six or seven years old.
Q She is living is she? A Yes, sir.
Q How long have you known Selena? A All her life.
Q Do you know whether she is living at the present time? A Yes, sir.
Q Who does she live with? A Her sister, Kizzie Cates.
Q Is Kizzie the wife of Willie Cates? A Yes, sir.
Q They live near you don't they? A One mile and a half south.

On July 20, 1904 (this date) the house of Willie Cates was visited and an attempt made to have him testify, under oath, as to the identity of a child living with him, said to be Selena Long. It was impossible to get him to testify. However, he stated that a certain child living with him was the child of John Foley and was named Selena.

The child was present. She appeared to be about eight or nine years of age. She also stated upon being questioned that her name was Selena Long and that her father was John Foley or John Long and her mother was Eliza Long.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs.

Subscribed and sworn to before me this 8th day of August, 1904.

W. T. Martin Jr.
Notary Public.

En. 568
E.C.L.
3813

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Selena Long as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on February 28, 1902 and June 9, 1903, affidavits relative to the birth of Selena Long were filed with the Commission, said affidavits being in the nature of an application for her enrollment as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Mellette, Indian Territory, July 15, 1904, and at Hanson, Indian Territory, July 20, 1904.

The evidence shows that said Selena Long was born prior to April 1, 1899 and living at the date of the application herein, and that she is the child of John and Eliza Long.

The records of the Commission show that the name of said John Long is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, No. 8005. The 1895 pay roll of the Creek Nation shows that the mother of said Selena Long is identified thereon in Weogufkee Town.

It is, therefore, the opinion of the Commission that said Selena Long should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress, June 28, 1898 (30 Stat., 496) and March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHAIRMAN

COMMISSIONER

COMMISSIONER

DATED AT MUSKOGEE,
INDIAN TERRITORY,
OCT 11 1904

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREVARD,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
D. A. 104

Muskogee, Indian Territory, November 18, 1903.

John Long,

Mason, Indian Territory.

Dear Sir:

There are on file with the Commission affidavits executed by you relative to the birth of your minor child, Salena Long, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Dn. 868

Muskogee, Indian Territory, October 18, 1904.

M. L. Mott,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Selena Long as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Selena Long will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

HGH-4-10-12

Hg H

Mn. 866

Muskogee, Indian Territory, October 12, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Selena Long as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Selena Long will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

MCM-4-10-12

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Creek Enr. 500

Muskogee, Indian Territory, January 11, 1905.

John Long,

Mufaula, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Selena Long, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1905, and that application for a selection of land in the Creek Nation may now be made for said child at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

Rec'd

COMMISSIONERS:
TAMS BIXBY,
TRAVIS S. KENDALL,
C. R. BREWSTER.
WM. O. BEALL,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Creek Dr. 868

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 11, 1906.

Willie Cates,

Proctor, Indian Territory.

Dear Sir:

You are advised that the name of the minor child, Selena Long, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land in the Creek Nation for her may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

IN RE

Application for Enrollment of

INFANT CHILD

Selena Long

as a citizen of the

Creek Nation.

Approved _____ 190__

_____

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
June 9, 1902
[illegible] CHAIRMAN.

R3

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Selena Long (Here insert name of child.), born on the 25th day of Nov., 1899
Name of Father: John Long, a citizen of the Creek Nation.
Name of Mother: Lizzie Long, a citizen of the Creek Nation.
Post-Office: Hassin I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY.)
Western District. }

I, John Long; on oath state that I am 35 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful father of Selena Long, who is a citizen, by blood, of the Creek Nation, that a female (Male or female.) child was born to me on the 25 day of November 1899; that said child has been named Selena Long, and is now living.

John Long his X mark

WITNESSES TO MARK:
(Must be Two Witnesses.) Waitie Mitchell.
Mindy Mitchell

Subscribed and sworn to before me this 27 day of May 1903.

L. G. McIntosh
Notary Public.

Term expires Mch 1907

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, } (INDIAN TERRITORY.)
_____ District. }

I, _____, a _____, on oath state that I attended on Mrs. _____, wife of _____, on the _____ day of _____, 190__; that there was born to her on said date a _____ (Male or female.) child; that said child is now living and is said to have been named _____.

WITNESSES TO MARK

(Must be Two Witnesses.) _____

Subscribed and sworn to before me this _____ day of _____ 190___.

_____
Notary Public.

12

IN RE

Application for Enrollment of

INFANT CHILD

Salina Long

as a citizen of

Creek Nation.

Approved, 190

Commissioner.

Filed Feb, 28th 1902.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Salina Long, born on the 25" day of Nov, 1896

(Here insert name of child)

Name of Father: John Long, a citizen of the Creek Nation,

Name of Mother: Eliza Long, a citizen of the Creek Nation.

Post-office, Eufaula, I.T.

AFFIDAVIT OF ~~MOTHER~~ Father.

UNITED STATES OF AMERICA,
~~INDIAN TERRITORY,~~
Northern District.

I, John Long, on oath state that I am 35 years of age and a citizen, by blood, of the Creek Nation; that I ~~am~~ was the lawful ~~wife~~ husband of Eliza Long, deceased, who ~~is~~ was a citizen, by blood, of the Creek Nation, that a female (male or female) child was born to ~~me~~ her on the 25" day of Nov 1896 that said child has been named Salina Long, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses) Ed. Mercer his / John x Long mark

W. F. Angel

Subscribed and sworn to before me this 28" *day of* February 1902

William T Martin
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, ..., a ..., on oath state that I attended on Mrs. ..., wife of ..., on the ... day of ..., 1..; that there was born to her on said date a ... (male or female) child; that said child is now living and is said to have been named ...

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this ... day of ... 190..

NOTARY PUBLIC

CR EU 389

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Nasson, I. T., July 20, 1904.

In the matter of the application for the enrollment of Tyehohe Moore as a citizen by blood of the Creek Nation.

MAINEY MOORE, being duly sworn, testified as follows:

Through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Mainey Moore.
Q How old are you? A I don't know.
Q About how old are you? A I don't know but John would know.
Q What is your post office address? A Spokogee.
Q

The witness appears to be about 35 years of age.

Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Weogufke
Q Did you have a child named Tyehohe Moore? A Yes, sir. I lost him when grandma died.
Q Was Tyehohe Moore a male or female? A He was a boy.
Q How old was he when he died? A John would know but I don't know the date.
Q What was the date of his death? A I don't know that. I don't know nothing about the dates of the year.
Q How long has he been dead? A He is next child to this child my oldest child but I don't know how long since he died.
Q What is the name of your oldest child? A Bessie.
Q Bessie what? A Bessie Moore.
Q Have you a record of the dates of the birth and death of Tyehohe Moore? A I don't know whether there is a record or not. John was present when the child was born and my grandmother, and we were the only three at the place and I don't know whether a record was made or not.
Q What is the name of the child's father? A John Moore.
Q What was the name of your grandmother who was present? A Sarnarkey.
Q Is she living? A She died.
Q How long after Tyehohe died until Sarnarkey died? A The boy died in May and my grandmother lived until the following Fall when they began to pick cotton then she died.
Q How many years ago was that? A I don't know. John would know.
Q How long after the death of Tyehohe until the birth of your next child? A This child was born about a month after the death of Tyehohe.
Q Which child is that you refer to? A This one.
Q What is his name? A Phillip Moore.
Q Has an affidavit in the matter of the birth of Phillip Moore been filed with the Commission? A Yes, sir.
Q As I understand you Phillip was born, to the best of your recollection, about a month after Tyehohe died? A Yes, sir.
Q And Sarnarkey died the same year that Phillip was born? A Yes, sir.
Q Has there heretofore been filed with the Commission an affidavit in the matter of the death of Tyehohe Moore? A We were over at Garner and [redacted] such a thing was made out and sent up there.
Q

[illegible]-79---2.

The records of the Commission show that there has been heretofore an affidavit in the matter of the death of Tyuhehe Moore filed with the Commission in which it is stated that he died June 8, 1899.

Q Where is Tyuhehe burried? A The last grave that you examined.
Q You showed me the grave didn't you? A Yes, sir.

The grave said to be Tyuhehe's was examined but it could not be ascertained whether there was a head-board or not, because of the house built over the grave.

-------:O:-------

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 5th day of August, 1904.

Wm G Martin Jr.
Notary Public.

DAWSON-79

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
MASCON, I.T. JULY 20, 1904

In the matter of the application for the enrollment of Tyehohe Moore as a citizen by blood of the Creek Nation.

HAINEY MOORE being duly sworn testified as follows:

Through L. C. McIntosh, official interpreter:

By Commission:

Q What is your name? A Hainey Moore.
Q How old are you? A I don't know.
Q About how old are you? A I don't know but John Would know.
Q What is your post office address? A Spokogee.

The witness appears to be about 35 years of age.

Q Are you a citizen of the Creek Nation? A Yes sir.
Q What town do you belong to? A Weogufke.
Q Did you have a child named Tyehohe Moore? A Yes sir, I lost him when grandma died.
Q Was Tyehohe Moore a male or a female? A He was a boy.
Q How old was he when he died? A Jhn Would know but I don't know the date.
Q What was the date of his death? A I don't know that; I don't know nothing about the dates of the year.
Q How long has he been dead? A He is next child to this child, My oldest child but I don't know how long since he died.
Q What is the name of your oldest child? A Bessie.
Q Bessie what? A Bessie Moore.
Q Have you a record of the dates of the birth and death of Tyehohe Moore? A I don't know whether there is a record or not; John was present when the child was born and my grandmother and we were the only three at the place and I don't know whether a record was made or not.
Q What is the name of the child's father? A John Moore.
Q What was the name of your grandmother who was present? A Sarnarkee
Q Is she living? A She died.
Q How long after Tyehohe died until Sarnarkee died? A They boy died in May and my grandmother lived until the following Fall when they began to pick cotton then she died.
Q How many years ago was that? A I don't know; John would know.
Q How long after the death of Tyehohe until the birth of your next child? A This child was born about a month after the death of Tyehohe.
Q Which child is that you refer to? A This one.
Q What is his name? A Phillip Moore.
Q was an affidavit in the matter of the birth of Phillip Moore been filed with the Commission? A Yes sir.
Q As I understand you Phillip was born, to the best of your recollection, about a month after Tyehohe died? A Yes sir,
Q And Sarnarkey died the same year that Phillip was born? AYes sir.
Q was there heretofore been filed with the Commission an affidavit in the matterof the death of Tyehohe Moore? A We were over at Garner and such a thing was made out and sent up there.

The records of the Commission show that there has been heretofore an affidavit in the matter of the death of Tyshche Moore filed with the Commission in which it is stated that he died June 8, 1899.

Q Where is Tyshche buried? A The last grave that you examined.
Q You showed me the grave didn't you? A Yes sir.

The grave said to be Tyshche's was examined but it could not be ascertained whether there was a head board or not because of the house built over the grave.

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

(signed) D.C.Skaggs

Subscribed and sworn to before me this 8th day of August, 1904.

(Seal) (signed) Wm. T. Martin, Jr.

Notary Public.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he copied the above testimony and that this is a true copy thereof as appears from the record.

Henry G. Haines

Subscribed and sworn to before me this 10th day of December, 1904.

Edward L. Grumbine

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dustin, I. T., July 25, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Tyehohe Moore as a citizen by blood of the Creek Nation.

JOHN MOORE, being duly sworn, testified as follows:

By Commission:

Q What is your name? A John Moore.
Q What is your age? A I was born the year they quit fighting.
Q Civil War? A I reckon.
Q How old do you call yourself? A About thirty or forty.
Q Are you a citizen of the Creek Nation? A Me, sir.
Q What is your post office? A Dustin.
Q Are you a citizen of any Indian Nation or Tribe? A My father is a Mexican of Mexico.
Q Was Tyehohe Moore your child? A Yes, sir.
Q Do you know the date of his death? A No, sir. I don't remember the day. It was in June that is all I know.
Q Do you know what year? A No, I don't. I think it was in----it was the next year after the meeting of the association at Middle Creek.
Q Said Tyehohe die during the existance of the Creek Tribal Courts? A I don't remember. It was at the time when Mr. Porter and Washburn and all of them met out there.
Q Do you remember whether it was before or after Porter was first elected chief of the Creek Nation? A He was Chief then but I don't remember whether that was his first term or the second.
Q Have you a child that was born the same year Tyehohe died? A Yes, sir.
Q What is the name of that child? A Phillip Moore.
Q Have you any record of the date of the death of Tyehohe? A None only it was in the summer after we had been---after the Camp meeting in June. I don't know. Sometime in the Middle of June but we were hoeing cotton. His grandmother died about October.
Q Have you examined the head -board at Tyehohe's grave? A Yes, sir.
Q What was their condition? A They was rotted. I only examined the head-board. Didn't go and see the foot-board.
Q Did you exhibit to me the head-board of Tyehohe's grave? A Yes, sir.

The witness presented what he states was the head-board at the grave of Tyehohe. The same was all decayed and it could not be determined whether there had been writing upon it.

Q Are you positive that Tyehohe died the same year your child Phillip was born? A Yes, sir, I am pretty certain of that. I didn't keep no dates but I think that was the same year.
Q How old was Tyehohe when he died? A Well he was about that high. (Indicating about three feet)
Q Well about how old was he? A I guess maybe he was five or six years old. He was about like that. About three feet. The house over the grave is a good deeal longer than him.
Q To the best of your recollection how many years has Tyehohe been dead? A I guess to the best of my knowledge about five or six years. That would be my judgment. I never keep any account but I am pretty certain it has been about five or six years.

Suppl.

DAVIS-79-----8.

Q Do you recollect the circumstance of the murder of Selitke McIntosh? A Yes, sir. I remember hearing about that.
Q Who killed him? A Let me see what the fellow's name ------- he is dead--------Kotche Emarthla.
Q To the best of your recollection did Tyehche die before or after Selitke McIntosh was murdered? A I don,t remember. I don't remember what year that was.
Q Who was the mother of Tyehche? A Hainey Moore.

------:O:------

I, Drennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 11" day of August, 1904.

Chas. D. Lamar
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
DUSTIN, I.T. JULY 25, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Tyehche Moore as a citizen by blood of the Creek Nation.

JOHN MOORE being duly sworn testified as follows:

By Commission:
Q What is your name? A John Moore.
Q What is your age? A I was born the year they quit fighting.
Q Civil War? A I reckon.
Q How do you call yourself? A About 3 0 or 40.
Q Are you a citizen of the Creek Nation? A No sir.
Q What is your post office? A Dustin.
Q Are you a citizen of any Indian Nation or tribe? A My father is a Mexican of Mexico.
Q Was Tyehche Moore your child? A Yes sir.
Q Do you know the date of his death? A No sir; I don't remember the day; it was in June, that is all I know.
Q Do you know what year? A No, I don't; I think it was in ------- it was the next year after the meeting of the Association at Middle Creek.
Q Did Tyehche die during the existence of the Creek tribal courts? A I don't remember; it was at the time when Mr. Porter and Washburn and all of them met out there.
Q Do you remember whether it was before or after Porter was first elected chief of the Creek Nation? A He was chief then but I don't remember whether that was his first term or the second
Q Have you a child that was born the same year Tyehche died? A Yes sir.
Q What is the name of that child? A Phillip Moore.
Q Have you any record of the date of the death of Tyehche? A None only it was in the summer after we had been--- after the campmeeting in June. I don't know; sometime in the middle of June, but we were hoeing cotton; his grandmother died about October.
Q Have you examined the headboard of Tyehche's grave? A Yes sir.
Q What was their condition? A They was rotting. I only examined the headboard; didn't go and see the footboard.
Q Did you exhibit to me the headboard of Tyehche's grave? A Yes sir.

The witness presented what he states was the headboard at the grave of Tyehche. The same was all decayed and it could not be determined whether there had been writing upon it.

Q Are you positive that Tyehche died the same year your child Phillip was born? A Yes sir, I am pretty certain of that; I didn't keep no dates but I think that was the same year.
Q How old was Tyehche when he died? A Well, he was about that high--(indicating about three feet).
Q Well, about how old was he? A I guess maybe he was 5 or 6 years old; he was about like that--about three feet. The house over the grave is a good deal longer than him.
Q To the best of your recollection how many years has Tyehche been dead? A I guess to the best of my knowledge about 5 or 6 years; that would be my judgment; I never keep any account but I am pretty cert in it has been about 5 or 6 years.
Q Do you recollect the circumstance of the murder of Selitka McIntosh? A Yes sir, I remember hearing about that.

Q Who killed him? A Let me see what the fellow's name--------- he is dead-------Kotche Emarthla.
Q To the best of your recollection did Tyehche die before or after Selitka McIntosh was murdered? A I don't remember; I don't remember what year that was.
Q Who was the mother of Tyehche? A Hainey Moore.

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on, said date.

(Signed) Drennan C. Skaggs

Subscribed and sworn to before me this 11th day of August, 1904.

(signed) Charles H. Sawyer

(Seal) Notary Public.

Henry G. Hains being sworn state that this is a true copy of the testimony above as shown by the record.

Henry G. Hains

Subscribed and sworn to before me this 10th day of December, 1904.

Edw. Colgrieve

NotaryPublic.

COPY.

D.D.

Mn. 569

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Tyehche Moore, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on July 20, 1904, Hainey Moore appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Tyehche Moore, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had July 25, 1904.

The records of the Commission show that Phillip Moore was born during the month of August, 1898. A copy of the affidavit in his case is made part of the record herein.

The evidence shows that said Tyehche Moore, deceased, died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Tyehche Moore, deceased, as a citizen by blood of the Creek Nation, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

JUL 27 1905

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of

Nation.

Approved 190

Commissioner.

BIRTH AFFIDAVIT. 90

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Phillip Moore (Here insert name of child), born on the ... day of August, 1895
Name of Father: John W. Moore a citizen of the Mexico ~~Nation.~~
Name of Mother: Henry Moore a citizen of the Creek Nation.
Post-office Proctor, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Henry Moore, on oath state that I am 23 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful wife of John W. Moore, who is a citizen, by ... of the Mexico Nation; that a male (Male or female) child was born to me on ... day of August 1895; that said child has been named Phillip Moore, and is now living. My husband John W. Moore is the only person living who was present at the birth of said child.

Henry Moore
her
X
mark

WITNESSES TO MARK:
(Must be Two Witnesses)
E. Haitain
A. P. McKellop

Subscribed and sworn to before me this 30 day of January 1901

(Seal)

Guy L. V. Emerson
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, John W. Moore, a ..., on oath state that I attended on Mrs. Henry Moore, wife of myself on the ... day of August, 1895; that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now living and has been named Phillip Moore

WITNESSES TO MARK

John W. Moore

(Must be Two Witnesses)

Subscribed and sworn to before me this 30 day of January 1901.

Guy L. V. Emerson
NOTARY PUBLIC.

1 of 1

8969

D.C. 79.

Muskogee, Indian Territory, January 29, 1904.

John W. Moore,

Thurman, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your child, Tiyelicha Moore, who, it is claimed is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said child, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Creek Mn 569

Muskogee, Indian Territory, January 16, 1906.

Mainey Moore,

Spokogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Tyehehe Moore (deceased), as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-16-4E.

Creek En 869

Muskogee, Indian Territory, January 16, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Tychoho Moore (deceased), as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-10-43.

Creek En 569

Muskogee, Indian Territory, January 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Tychohe Moore (deceased), as a citizen by blood of the Creek Nation, including the decision of the Commission, dated January 5, 1905.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYP-16-44.

JP. FHR. LRS.

I.T.D. 808-1905.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 16, 1905, you transmitted the record in the matter of the application for the enrollment of Tyehohe Moore (deceased), as a citizen by blood of the Creek Nation, including your decision of January 5, 1905, rejecting said application.

Reporting in the matter January 24, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed .

Respectfully,

(Signed) M .W.Miller,

Act ing Secretary.

1 inclosure.

Refer in reply to the following:
Land :4944-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, January 24, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the application, made July 20, 1904, for the enrollment as a citizen by blood of the Creek Nation by Hainey Moore for her minor child, Tyehohe Moore (deceased).

January 5, 1905, the Commission decided adversely to the applicant.

The evidence shows that Tyehohe Moore died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee,
Acting Commissioner.

M.M.M.
W.

Cr En 869

Muskogee, Indian Territory, March 4, 1908.

E. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 17, 1908, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1908, denying the application for the enrollment of Tyehoho Moore (deceased) as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

Cr An 669

Muskogee, Indian Territory, March 4, 1905.

Mainey Moore,

Spokogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 17, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of your minor child, Tsoneho Moore (deceased) as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

CR EN 570

CR EN 570

E.61.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMULGEE,I.T.,NOVEMBER 28th,1903.

In the matter of accounting for those persons whose names appear on the Creek tribal rolls, who died prior to April 1st, 1899, and are not shown on said rolls to have been otherwise accounted for.

GIBSON JAMES, being first duly sworn by R. R. Cravens, notary public testified as follows: (David Harry, sworn interpreter)

BY THE COMMISSION:

Q What is your name? A Gibson James or James Gibson.
Q How old are you? A 33.
Q What is your postoffice address? A Hasson.
Q Are you a member of the House of Warriors for Weogufke Town?
A Yes, sir.

The object of this examination is to ascertain who of Weogufke Town died before the Creek Land Office opened. (April 1st, 1899.)

1890 ROLL:
Q Aaron Smith? A He died before the land office opened.
Q Susan Smith. Same family? A She died before the land office opened.
Q Chawina Byrd? A Died long before the land office opened.
Q Tussekiah Hutkey? A Died long before the land office opened.
Q Mehale Proctor? A Died before the land office was opened.
Q Metillie? A She died before the land office opened.
Q Daniel Proctor? A Died before the land office was opened.
Q Willie Crowel; Jennie Crowel and Bettie Crowel? A They all died before the land office opened.
Q Potogigee? A Died before the land office was open.
Q Robert Wilson? A Died before the land office opened.
Q Niche Wilson? (Card 2753) A She died way before the land office opened.
Q Billie Byrd? A Died long time before the land office opened.
Q Tudy Jones? A That is my sister. She is living now.
Q What is her name now? A Tudy Byrd.
Q What is her husband's name? A His name was Thomas Byrd, but he is dead.
Q Lucinda Underwood? A Died way before the land office ever was mentioned.
Q Hannah? A She died before the land office opened.
Q Hoyihche? A Died way before the land office opened.
Q Dixon? A Died way before the land office opened.
Q Sampse? A Died before the land office opened.
Q Nicey? A Died before the land office opened.
Q Nocos Harjo? A Yes, he died long before the land office opened.
Q Mollie Sundy? A Died before the land office opened.
Q Wattie? A He died about the same time that Nocos Harjo did.
Q Before the land office opened then? A Yes, sir, that is what he says.
Q Chotkey Fish? A (By David Harry) He died before the land office opened.
Q Ellis M. Sunday? A (By Gibson James) He died long before the land office opened.
Q Annie Sugar? A She died before the land office opened.
Q Lucy Redmouth? A Don't know.
Q Lowisa Bruner? A Died before the land office opened.

1891 OMITTED ROLL:
Q #952Bunnie Wilson? A He died before the land office opened.

WEOGUFKE TOWN #2.

1898 [illegible]:

Q Alsom Williams? A He died about the time the land office opened. People were getting their numbers to file when he died.
Q Kane Hikey? A Died after the land office opened, but did not file.
Q Was that a man or a woman? A Woman.
Q She was an aunt of Ton Proctor? A Yes, sir.
Q Eddie Byrd? A Died before the land office opened.

The undersigned being sworn states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the matter of the above and foregoing accountinf for those citizens whose names appear on the Creek tribal rolls, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before me this the 8th day of December, A. D., 1903, at Muskogee, Indian Territory.

Notary Public.

C-2752.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hasson, I. T., July 19, 1904.

In the matter of the application for the enrollment of Kono Haiky and Hulma as citizens by blood of the Creek Nation.

MELEECHER, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Meleecher.
Q How old are you? A I don't know.
Q About how old? A I was born after the War. After '66.
Q How long after? A Good while after.

Witness appears to be at least thirty years of age.

Q What is your post office address? A Hasson.
Q Are you a citizen of the Creek Nation? A yes, sir.
Q What town do you belong to? A Weogufka.
Q Did you know Kono Haiky? A yes, sir.
Q Is she living or dead? A Dead.
Q Do you know the date of her death? A I don't know. I was told the date of the death but I forgot it.
Q What relation was she of yours? A Aunt. She was a sister of my mother.
Q Can you tell me how long she has been dead? A I don't know exactly but some where about three or four years.
Q Did you attend her funeral? A I was there but didn't go up to the grave.
Q Did you see her after she died? A Yes, sir.
Q Can you read or write in English or Creek? A No, sir.
Q Where was Kono Haiky buried? A In the John Bruner's grave yard.
Q Is that near his house? A Yes, sir.
Q Do you know whether there is a head-board at her grave bearing the date of her death? A I think there is but I am not positive.
Q Is John Bruner any relation of Kono Haiky? A I don't know.
Q What town does John Bruner belong to? A Weogufka.
Q Who is Hulma? A Grandson of Kono Haiky.

By Interpreter:
He pronounces Hulma as Ulma.

Q Is Ulma living? A No, sir.
Q Do you know the date of his death? A He died after Kono Haiky.
Q How long before? A I think to the best of my judgment that Ulma died in the fall or winter and Kono Haiky the following spring.
Q Where is Ulma buried? A The same place.
Q Do you know whether there is a head board at his grave bearing the date of his death? A I didn't go to the funeral and don't know whether there is anything written on the head-board or not.
Q Do you remember the circumstance of the opening of the Creek Land Office in Muskogee? A No, sir.
Q Do you know whether any one had filed on their land in the Creek Nation when Hulma died? A I think that they had not begun.
Q Do you remember whether anyone had filed when Kono Haiky died? A I don't remember.
Q Do you know whether there was a record made of the date of the death of either Hulma and Kono Haiky? A I think there was and if there is either one of the members of the House of Kings or House of Warriors has it.

Q Was Kono Haiky a member of the church? A Yes, sir.
Q Of what church? A Middle Creek Church.
Q What was Hulma's father's name and what town did he belong to? A Katchee Homahte.
Q What was his mother's name? A Marlesa.
Q What town did she belong to? A Weogufka.
Q Did you ever execute an affidavit in the matter of the death of Kono Haiky? A Yes, sir. I and her brother did.
Q Where did you obtain the date of the death, if you don't know, to put in the affidavit? A Her brother came and made out the affidavit and I signed up with him according to dates given by him.
Q What was the name of Kono Haiky's brother that you refer to? A Ossee.
Q Is he living with you? A No, sir. He is living at his own house
Q What is his post office address? A Hasson.
Q Do you know whether any one has filed for Hulma and Kono Haiky? A I don't know but my daughter's husband said he was going to file for them but I don't know what has been done about it.

-:-:-:-:-:-0000000-:-:-:-:-:-

I, D. C. Skaggs, on oath, state that the above and foregoing is a full, true and correct transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 6th day of August, 1904.

H. G. Martin Jr.
Notary Public.

C-2752.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hasson, I. T., July 22, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Kono Haiky and Hulma as citizens by blood of the Creek Nation.

JOHN BRUNER, being duly sworn, testified as follows:

Partly through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A John Bruner.
Q How old are you? A About 53.
Q What is your post office address? A Hasson.
Q Are you a citizen of the Creek Nation? A Yes, sir. I am a member of the House of Warriors, Weogufke Town.
Q Did you know Kono Haiky? A Yes, sir.
Q She is dead is she not? A Yes, sir.
Q Where is she buried? A Right out there in the field.
Q Do you know the date of her death from memory? A I don't know exactly but I know it was in March but don't know the date of the month. I know the date of the year.
Q What was it? A 1901.
Q Have you this day showed me the grave and head-board of the grave of Kono Haiky? A Yes, sir.

The witness was accompanied to a grave yard near his house and pointed out a grave on the head-board of which was written the following in Creek, which was translated by official interpreter L. G. McIntosh as follows:

"Weogufke Town March 11, 01.
In Konohike name is written here. She died. She is resting from this date. That is all
Solomon Bullard."

Q Did you attend the funeral of Kono Haiky? A Yes, sir.
Q Do you know when that head-board was placed there? A Same day.
Q Do you know when that was written on the head-board? A They generally prepare the head-board and do their writing on it before the grave is closed and when they are closing up the grave they stick these head boards at the head of the corpse. But I paid no attention to it as to whether it was written there or not, but I suppose it was there.
Q That was the understanding was it? A Yes, sir. In attending funerals I have been requested to write on the head boards for others.
Q Do you know who did the writing on the head-board of Kono Haiky's grave? A I didn't know until to-day and after examining the h head-board I seen that Solomon Bullett had written it.
Q Did you know Hulma? A Yes, sir, I knew Ulma. He was a boy.
Q What relation was he to Kono Haiky? A Grand-child. Her daughter's son.
Q Kizzie Smith and Ulma died pretty close together? A Ulma died first and Kizzie died the following week.
Q Is the Kizzie Smith you refer to as having died the following week after Ulma died a daughter of Ben and Matilda Smith? A Yes, sir.

John Bruner witness:

By Commission:

Q Do you remember whether the District Court of Eufaula District, Creek Nation, was still in existance when Kizzie and Ulma died?
A I don't know exactly when the Courts did lose their authority. But I can calculate from Hotulke Emarthla. He was still living when that boy died.

---oooOOOooo---

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 10th day of August, 1904.

Wm. G. Martin Jr.
Notary Public.

En. 570.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Kono Haiky and Hulma as citizens by blood of the Creek Nation.

-: S T A T E M E N T :-

The 1890 Authenticated Tribal Roll of the Creek Nation examined and Kono Haiky and Hulma identified thereon at Page No. 169, Weogufke Town, as Konokigee and Hulmer.

The 1895 Pay Roll of the Creek Nation examined and Kono Haiky and Hulma found thereon at Nos. 184 and 185, Weogufke Town.

Chairman.

Muskogee, Indian Territory,
SEP 2 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
OKTAHAMA XXXXXXXX, I.T, JUNE 17, 1904.

I. 2752

In the matter of the application for the enrollment of Kono Haikey as a citizen of the Creek Nation.

Chenubbee Harjo being duly sworn testified as follows through official interprter, Amos McIntosh.

Examination by the Commission:

Q State your name, age and po t office add ess? A Chenubbee Harjo; about 50 years oold ; Oktaha.
Q Are you a citizen of the Creek Nation, Weogufke town? A Yes sir.
Q You are well acquaited with t e people residing in this section of the country, are you? A Yes.
Q Kano Haikey. Do you know when he died or can you tell us who would be able to furnish the information? A She is living.
Q How long has it been since you have seen her? A He hasn't seen her for two years
Q Did you see her after the Commission began making allotments in the Creek Nation? A Yes, he said never seen them last year but he saw them the year before that.
Q Does he know Hulma? A Yes. There was one Hulma is dead but he don't know when he died.
Q Can you tell me whether they live in t e neighborhood of Thurman at the present time? A Yes, this side of the river from Thurman whi which is on the Choctaw side right close to the Fish Pond Stomp Ground.
Q Do you know whet er Kano Haikey has received an allotment in the Creek Nation? A I don't believe they have; I don't know for certain.

Henry G. Hains being sworn on his oath st tes that as stenographer to t e Commission to the Five Civilized Tribes he reported the above case and that this is a full, tru and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 6th day of July, 1904.

My Commission Expires January 19th 1906.

Wm. J. Martin Jr.

Not ry Public.

Ec.Ch.

En.570.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

-:o:-

In the matter of the application for the enrollment of Kono Haiky, deceased, and Hulma, deceased, as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 19, 1904, Melecoher appeared before the Commission at Hasson, Indian Territory, and made application for the enrollment of his aunt, Kono Haiky, deceased, and her grandson, Hulma, deceased, as citizens by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Hasson, Indian Territory, July 22, and September 2, 1904.

Proceedings relative to the date of the death of said applicants, were had before the Commission at Okmulgee, Indian Territory, November 28, 1903, and at Oktaha, Indian Territory, June 17, 1904, and are made part of the record herein.

The evidence shows that said Kono Haiky and Hulma, are identified on the 1890 authenticated tribal roll of the Creek Nation, and on the 1895 pay-roll of said Nation.

The evidence further shows that said Kono Haiky and Hulma died subsequent to April 1, 1899.

It is, therefore, the opinion of the Commission that said Kono Haiky deceased, and Hulma, deceased, should be enrolled as citizens by blood of the Creek Nation, in accordance with the provisions of the Act of Congress, June 28, 1898, (30 Stat. 495), and March 1, 1901, (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Commissioner

Commissioner.

Muskogee, Indian Territory.

JUN 15 1905

HGH

Creek En. 570

Muskogee, Indian Territory, January 6, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Kono Haiky, deceased, and Hulma, deceased, as citizens by blood of the Creek Nation.

You are hereby informed that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said parties will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

HGH-17

RESIDENCE: _____ Nation. _____ Roll. 4

POST OFFICE: Kurman, Ark. Ter.

CARD NO. _____

FIELD NO. 2752

Dawes' Roll No.	NAME.	Relationship to Person first Named.	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT. Year.	District.	No.	TRIBAL ENROLLMENT OF PARENTS. Name of Father.	Year.	District.	Name of Mother.	Year.	District.
	1 Proctor, Tom		40	M	Full	1896	Woquokee	182	Tulsa Fixico	Dead	Tuckabatchee	Amanke	Dead	Woquokee
	2 " Challer	Bro	38	"	"	"	"	183	"	"	"	"	"	"
Died	3 Haiky, Kono	Aunt	60	F	"	"	"	184	Astanyiaka Yahola	"	Woquokee	Palokika	"	"
Died	4 Hulma	Nephew	12	M	"	"	"	185	Kaiaka Hombatie		Weiwoka	Marlesia		"
	5													
	6 (Nos. 1 & 2)													
	7 This card has been replaced													
	8 in the Card File by a card													
	9 bearing a similar Field Number													
	10 and corrected in conformity to													
	11 the information hereon.													
	12													
	13													
	14													
	15													
	16													
	17													
	18													

CITIZEN CERT'S ISSUED FOR NOS. 2
JUN - 2 1902

D. C. C. 1896 Roll, Page 169.
" 2 " " " " 169, as "Challer Proctor."
" 3 " " " " 169 as "Konokizze."
" 4 " " " " 169 as "Hulmie."

Nos 3 and 4 have been dead 10 or 15 years from information obtained from a neighbor who did not want his name mentioned

Witness George Crow, Muskogee, I. T.

May 28, 1902

CR EN 571

CR EN 571

DAVEN-99.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Wagoner, I. T., July 20, 1904.

In the matter of the application for the enrollment of Sarnarkey, deceased, as a citizen by blood of the Creek Nation.

HAINEY MOORE, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Hainey Moore.
Q How old are you? A I don't know.
Q About how old are you? A I don't know but John would know.

The witness appears to be about 35 years of age.

Q What is your post office address? A Spokogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Weogufke.
Q Who was Sarnarkey? A She was my grandmother. My mother's mother
Q Has there been filed with the Commission an affidavit in the matter of the death of Sarnarkey? A Yes, sir.
Q When did Sarnarkey die? A She died in the same year but in the Fall or Winter it was, just when these people were going to Council.
Q Did you have a child born the same year Sarnarkey died? A Yes, sir.
Q What is the name of the child you refer to that was born the same year Sarnarkey died? A Phillip Moore.
Q Can you tell me when Phillip Moore was born? A John would know. This child and my grandmother were both living when the child was born.
Q What child do you refer to? A Phillip.
Q Who was Phillip's father? A John Moore.
Q Where is Sarnarkey burried? A Right in the field there.
Q Is there a head-board at her grave? A Yes, sir.
Q Is the date of her death written on that board? A I can't be positive in that but John always did that and I have an idea he did that.
Q Will you show us the grave of Sarnarkey? A Yes, sir.

The grave of Sarnarkey was examined but the head-board could not be found. Excavations had been made by some animal and it did not appear whether there had been a head-board.

Q Have you any record of the date of the death of Sarnarkey? A It is my opinion there is a record here but I can't handle papers so John keeps them.

---oooOOOooo---

I, L. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

L. C. Skaggs.

Subscribed and sworn to before me this 8th day of August, 1904.

W. T. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dustin, I. T., July 25, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Sarnarkey as a citizen by blood of the Creek Nation.

JOHN MOORE, being duly sworn, testified as follows:

By Commission:

Q What is your name? A John Moore.
Q What is your age? A About thirty or forty.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Are you a citizen of any Indian Nation or Tribe? A My father is a Mexican of Mexico.
Q What is your post office? A Dustin.
Q Did you file an affidavit with the Commission in the matter of the death of Sarnarkey? A Yes, sir.
Q What relation was she of yours? A None, only she was my wife's grandmother.
Q Can you state the date of her death? A No, sir, but she died in 1899. In the fall. In cotton picking time. I remember that for I sent over to Joe Smith's to get him to help me and he was picking cotton.
Q How did you arrive at the date of the death as stated in the affidavit? A Because Mr. Porter told me when he was at the Camp Meeting. That was in 1899 how came me to remember it.
Q What Camp Meeting was that? A Middle Creek. ----I said Camp Meeting but I mean the meeting of the association.
Q The same association you mentioned in the testimony you gave in the matter of the death of Tyehohe? A Yes, sir. That was the same year. He died in June and Sarnarke died in the Fall. I don't know the date but she died either September or October.
Q The Same year? A That same year.
Q Tyehohe Moore and Sarnarke died the same year? A Yes, sir, the same year.
Q What other citizen in your neighborhood, if any, died the same year that Tyehohe and Sarnarkey died? A Well I don't know. There was nearly fifty died. Mose Simmons, Wesley Smith, Keno Haikey and-----well I don't know positive that they died------ they was all dying along about that time. Nearly every day some one died. Different ones. We sometimes buried two a day. And she died about that time.
Q What was the cause of Tyehohe and Sarnarkey's death? A I don't know. Tyehohe had a kind of a bowell trouble and Sarnarkey I think probably died of old age. She was about 75 or 80 years old going by her looks. She didn't know herself.
Q Do you remember whether Tyehohe and Sarnarkey died the same year that Hotulke Emarthla died? A No, sir, I don't know.
Q Do you remember that one year Luke McIntosh taught school at Weogufke School? A Yes, sir.
Q Do you remember what year that was? A I don't know what year.
Q Did you send any children there to school? A I sent one part of the time.
Q Do you remember whether he taught there more than one school year? A I don't think he taught but one season.
Q How long before that did Tyehohe die? A I don't remember how long. I am certain he died before he taught school there.
Q How long before that did Sarnarkey die? A I don't know.

Q Do you remember whether Tyeboho and Sarnarkey died the same year that Luke McIntosh began to teach school in the winter? A I don't know whether they did or not. Whether it was the same year or not.

Q Are you positive that Saranarkey and Tyeboho died the same year that Rose Simmons, Betsy Smith and Wesley Smith died? A I dont remember whether it was the same year but it was about that time. But I know it was right along about that time.

Q Have you examined the head-board at Sarnarkey's grave? A Yes, sir. I went there and it was covered up where the dogs had been scratching and it was all covered up and I moved the dirt away and it was all rotten.

The witness presents what he states was the head-board of Sarnarkey's grave. The wood was rotted and if there had been any writing on the head-board it is not legible.

Q You didn't keep a record, did you, of the dates of the deaths of Sarnarkey and Tyeboho? A No, sir.

------:O:------

I, Drennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 12" day of August, 1904.

Chas. D. Stanwood
Notary Public.

En. 571.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarnarkey as a citizen by blood of the Creek Nation.

STATEMENT:-

The 1890 Authenticated Tribal Roll of the Creek Nation examined and Sarparkey identified thereon at Page 170, Weogufke Town, as Sunarkey.

The 1895 Pay Roll of the Creek Nation examined and Sarnarkey identified thereon at No. 223, Weogufke Town, as Sun-arkey.

Chairman.

Muskogee, Indian Territory,

SEP 2 1904

COPY.

L.D.

En. 571

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarnarkey, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on July 20, 1904, Hainey Moore appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her grandmother, Sarnarkey, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had July 25, 1904.

A copy of the testimony in the case of Tyehche Moore is made a part of the record herein.

The records of the Commission show that Phillip Moore was born during the month of August, 1898. A copy of the affidavit in his case is made part of the record herein.

The evidence shows that said Sarnarkey, deceased, died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Sarnarkey, deceased, as a citizen by blood of the Creek Nation, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN.

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

D. D.

En. 571

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarnarkey, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N .

The record in this case shows that on July 20, 1904, Hainey Moore appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her grandmother, Sarnarkey, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had July 25, 1904.

A copy of the testimony in the case of Tyehche Moore is made a part of the record herein.

The records of the Commission show that Phillip Moore was born during the month of August, 1898. A copy of the affidavit in his case is made part of the record herein.

The evidence shows that said Sarnarkey, deceased, died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Sarnarkey, deceased, as a citizen by blood of the Creek Nation, and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN.

COMMISSIONER.

C. R. Breckinridge,
COMMISSIONER.

MUSKOGEE, INDIAN TERRITORY,

[illegible]

IN RE

Application for Enrollment of

INFANT CHILD

.....

as a citizen of

.....Nation.

Approved 190

.....

Commissoner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Phillip Moore (Here insert name of child), born on the ___ day of August, 1898

Name of Father: John W. Moore a citizen of ~~the~~ Mexico ~~Nation~~

Name of Mother: Henry Moore a citizen of the Creek Nation.

Post-office Proctor I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Henry Moore, on oath state that I am 23 years of age and a citizen, by Blood, of the Creek Nation; that I am the lawful wife of John W. Moore, who is a citizen, by ___, of ~~the~~ Mexico Nation; that a male (Male or female) child was born to me on ___ day of August 1898; that said child has been named Phillip Moore and is now living. My Husband Jno. W. Moore is the only person living who was present at the birth of said child

WITNESSES TO MARK:

Henry Moore her mark

(Must be Two Witnesses.) E. Hastain
A. P. McKellop

Subscribed and sworn to before me this 30 day of January 1901

Guy L. V. Emerson
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, John W. Moore, a ___, on oath state that I attended on Mrs. Henry Moore, wife of myself on the ___ day of August, 1898 that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now living and has been named

Phillip Moore

WITNESSES TO MARK:

John W. Moore

(Must be Two Witnesses.)

Subscribed and sworn to before me this 30 day of January 1901.

Guy L. V. Emerson
NOTARY PUBLIC

J.M.B.

D. C. 99.

Muskogee, Indian Territory, January 30, 1904.

John W. Moore,

Thurman, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of Sar-nar-ki, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

It is required that two witnesses who know the date of the death of said Sar-nar-ki appear before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Creek En 571

Muskogee, Indian Territory, January 16, 1905.

Rainey Moore,

Spokogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your grandmother, Sarnarkey (deceased), as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Recinter.

JYW-16-45.

Creek En 571

Muskogee, Indian Territory, January 16, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Barnarkey (deceased), as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JY-10-46.

Creek An 871

Muskogee, Indian Territory, January 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Barnarkey (deceased), as a citizen by blood of the Creek Nation, including the decision of the Commission, dated January 5, 1906.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JY-16-47.

I .T.D. 812-1905.

JP. LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 17, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 16, 1905, you transmitted the record in the matter of the application for the enrollment of Sarnarkey (deceased), as a citizen by blood of the Creek Nation, including your decision of January 5, 1905, rejecting said application.

Reporting in the matter January 24, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) M.W.Miller,

Acting Secretary.

1 inclosure.

Refer in reply to the following:
Land) 4942-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON? January 24,1905

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 16, 1905, transmitting the record of the application, made July 20, 1904, for the enrollment as a citizen by blood of the Creek Nation by Hainey Moore for the enrollment of her grand mother, Sarnarkey, deceased.

January 5, 1905, the Commission decided adversely to the applicant.

The evidence shows that Sarnarkey died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

M.M.M. W.

Cr En 871

Muskogee, Indian Territory, March 4, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 17, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Barnarkey (deceased), as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

Cr En 571

Muskogee, Indian Territory, March 4, 1905.

Hainey Moore,

Spokogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 17, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of Sarnarkoy (deceased) as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner in Charge.

CR EN 572

CR EN 572

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JULY 27, 1904.

In the matter of the application for the enrollment of Missouri Gooden as a Creek Freedman.

APPEARANCE: W. T. Mott, Attorney for Creek Nation.

Jeff Gooden being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jeff Gooden.
Q How old are you? A Thirty.
Q What is your post office address? A Grayson.
Q Do you make application for the enrollment of Missouri Gooden as a Creek Freedman? A Yes sir.
Q Are you her father? A Yes sir.
Q You are not a citizen of the Creek Nation? A No sir.
Q You are a state man? A Yes sir.
Q What is the name of the mother of Missouri Gooden? A Alice Gooden.
Q Is she living or dead? A She deceaseded.
Q She's dead? A Yes sir.
Q When did she die? A She died 1901.
Q What month? A October I think.
Q Were you and Alice Gooden married? A Yes sir.
Q What was her name before she married you? A She was a Griffin.
Q When were you married? A 1900 I think.
Q Was this child born after you were married? A She was born before I married.
Q Born before you were married? A Yes sir.
Q In what month were you married? A February.
Q How long before you married was it that this child was born? How old was the child when you were married? A About three months old.
Q About three months old when you were married? A Yes sir.
Q And Alice was the mother of Missouri? A Yes sir.
Q When was Missouri born? A June 15, 1900.
Q Did you get a license when you were married? A Yes sir.
Q Have you got it with you? A No sir.
Q Have you got it at home? A Yes sir.

The applicant is advised that it is necessary for him to file with the Commission the original marriage license or duly certified copy thereof.

Referring to Creek Indian case #107, it appears that application was made on April 1, 1901, by Amanda Griffin for the enrollment of herself and children, among them Alice Griffin, and in the course of her examination under oath, the following questions were asked her, and answers given:

"Q. Are these children all living? A Yes sir.
Q Do they live with you? A One married the other day.
Q Which one? A Alice."

Examination by Mr. Mott:
Q Why haven't you made application before for this child? A They told me they wasn't any use in making the application for it.
Q When did they tell you that? A Said it wasn't born in due time.
Q When did they tell you that? A Before my wife died.
Q When did your wife die? A My wife died in 1903.
Q Here this last year? A No, it was 1901 she died.
Q What was the matter with her? A There is the physicianer there.
Q I am asking you. A He said it was the consumption.
Q Where is the grandmother of Missouri? A It is living.
Q Where? A Out at Grayson.
Q Was she present when this child was born? A No sir, she wasn't; I was living 3-1/2 miles East of the placedown at a place near Burney.
Q You and Alice were married? A Yes sir.
Q How long had you been married then? A When this child was born?
Q Yes. A You mean when we was living at Burney?
Q Yes;when the child was born? A Yes sir, when we was living at Burney the child was born.
Q Well, the mother lived about 3-1/2 miles away from you? A Yes sir.
Q You were living with Alice? A Yes sir, at Burney.
Q How long before you were married; how long were you married when you were living down there? A Yes sir; the child was born before we married.
Q Did you go off and live with her before you were married? A No sir.
Q Whose child is that? A Its mine; I married at her mother's house.
Q When was that, in 1901? A Yes sir, that was along in 1901. Its been so long I can hardly recollect it.
Q How long had you been married when the child was born? A I stated a while ago.
Q About how long had you been married when the child was born? A We wasn't married when the child was born.
Q When you took her off from your mother's were you married? A Yes sir
Q When you left your mother's you were married? A Yes sir.
Q Where was the child born? A The child was born at her mother's house.
Q You claim this allotment for your child through you or through its mother? A Through its mother.
Q When was it they told you? Did they tell you before your wife died that it wasn't born soon enough? A Yes sir.
Q When did your wife die? A In 1901.
Q What month? A October.
Q Was the child born in February or April? A In February.
Q In February, 1901? A 1900, isn't it; didn't I say 1900?
Q Which was it? A February, 1901; that's the way it was.

Examination By the Commission:

Q Is that when it was born now? A Yes sir, it was born June 15, 1900.

Examination by Mr. Mott:

Q The child was born June 15, 1900? A Yes sir.
Q And your wife died October 1901? A Yes sir.
Q And they told you before she died that it had not been born soon enough? A Yes, they said all the heirs born at that time could not be enrolled.
Q All born at the time that child was? A Yes sir.
Q When did you learn better? A Heard about a month or two months ago I guess; I was talking to some attorneys.
Q What attorneys? A Phillip & Bozarth.
Q Do they represent you in this case? A No sir, I just went up and asked them.
Q You went up and got the information? A Yes sir.

Q Did they tell you when the child had to be born in order to be entitled to allotment? A They went and got the law and told me they thought the child could be enrolled by making application.
Q That was about a month or two months ago? A Yes sir, I guess.
Q Where do you live? A Grayson.
Q Is there a lot of colored people around there? A Yes sir.
Q Have they been making application for enrollment all along? Your neighbors? A I have heard some talk about it.
Q Don't you know a lot them that's got allotments? A Yes sir.
Q Been getting them all along, haven't they, for the last two years? A No; it aint been done in that part;all the citizens seem to be filed up.
Q All filed up long ago? A Yes sir.
Q How long ago? A Three or four years? A No sir, about a year or two.
Q How many children is there down there that's got allotments about the the age of yours; aint there a lot of them filed about a year ago? A Not as I know anything about.
Q Don't you know they have a lot of small children they filed for? A No sir, I don't know no small children got allotments.
Q Is there anybody down there born about the time yours was? / I don't know. I can say there's lots of children down there and I have heard the parents of children talking about making applications, but I can't say whether they were born about the time or after.
Q You heard them talking about applying but you don't know whether the child was born after or before? A Yes sir.
Q That's the question down there? A I don't know.
Q What means have you of knowing that this child was born in June--have you any record? A Yes sir; in the Bible at my home.
Q Whose Bible? A At the father's house; well, at my house; also my wife put it down in my father's Bible; got a record of all the children.
Q Why didn't you bring it along? / I didn't know here was any reason.
Q Who,put it down? A My wife put it down in my father's Bible.
Q Did your father live with her? A No sir; we visited there;she put it down on a separate leaf there.
Q Why didn't she put it down in her own? A I put it down.
Q Can you read and write? / A little.
Q Where did you go to school? / Mississippi and Arkansas.
Q Do you know how many days there are in a year? / I guess so.
Q How many? A 365 I guess.
Q Is there any year that there aint that many in? / Yes, there's some years I think that's got one more.
Q What year is that? / Leap year, aint it?
Q Well, you have got a pretty fair education, and you say you never knew except a month ago that you could file? / Yes?
Q Had your wife filed? / Yes sir.
Q Are you living on her allotment? / No sir.
Q Who is living on that? A Nobody; we have put a crop on it and farming on it.
Q Have you rented it? A No sir, I am farming on it, myself.
Q That's on the allotment you have got? A Yes sir.
Q You can read and write? A Yes sir.
Q Been to school? A Yes sir, a little.
Q How long ago is it that you have been to school? / It's been pretty good many years.
Q How many years did you go? / Not more than two years.
Q You can read and write? / Yes, a little; not good.
Q You never knew anything about your having a right to enroll this child till a month or so ago? / I had an idea I did, but I never questioned anybody about it.

Q Why didn't you come and file and attend to it--- didn't you know they were taking the land down there? A Yes sir.
Q Didn't you know it was to your interest to come and file? A Yes, I knew if I could get on in time that I could get some land.
Q Didn't you know the sooner you got it on the better land you could have? A No sir.
Q You just said all the land down there was being taken. A No sir, I didn't say all the land; I said some of the land.
Q Give me the name of your wife's mother? A Mandy Griffin.
Q What's her post office? A Grayson.
Q Can you bring that Bible up here that you were talking about? A Yes sir.

By the Commission:
(Applicant is advised it will be necessary to produce the Bible referred to for the inspection of the Commission.)

Q How old was Missouri when Alice died? A I think about a year old.

The records of the Commission show that Alice Gooden is listed for enrollment on Creek Freedman card Field No. 1602 and that her name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior December 1, 1903, Roll No. 5019.

S. J. Smith being duly sworn testified as follows:

Examination by the Commission:
Q What is your name? A S. J. Smith.
Q How old are you? A Forty one.
Q What is your post office address? A Grayson.
Q Are you a practicising physician? A Yes sir.
Q Do you know Jeff Gooden? A I do.
Q Know his wife Alice? A Yes sir.
Q Alice is dead, is she? A Yes sir.
Q Do you know a child of hers named Missouri? A I delivered her; that child.
Q Have you a record of the time that the child was delivered? A Yes sir
Q Have you it with you? A No sir; its just merely an accouchment record
Q Have you consulted that record recently? A Yes sir, made that affidavit on it.
Q How long is it since you looked at that record? A When I made that affidavit.
Q How long is it since you looked at it for this entry? A I looked at it the day that I made that affidavit; I look at it nearly every day.
Q The day that you executed this affidavit? A Yes sir, and an irregular affidavit a day prior to this.
Q When was the child born? A June 15, 1900.
Q Did you fill out this affidavit yourself or was it filled out by the Notary Public? A Filledout by the Notary Public. I signed it.
Q Did you give him the date of the birth of that child as shown in your record? A Yes sir.
Q The child is living, is it? A It was living, yes sir; it was living yesterday.

Sylvia Jackson being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Sylvia Jackson.
Q How old are you? A Twenty-eight.

Q What is your post office address? A Okmulgee, now.
Q Do you know Jeff Gooden? A Yes sir.
Q Did you know his wife, Alice? A Yes sir.
Q Did you know a child of theirs named Missouri? A Yes sir, I do.
Q Were you present when that child was born? A Yes sir.
Q Do you know when the child w as born? A Yes sir.
Q When? A June 15.
Q What year? A 1900.
Q What fixes it in your mind that it was born on that day? How come you to remember it? A Simply cause I was out there on the 15th on other business and I was called in there.
Q What other business? A I was out there visiting my mother.

An affidavit heretofore filed relative to the birth of Missouri is made part of the record herein.

Henry G. Wains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Wains.

Subscribed and sworn to before me this 10th day of August, 1904.

Charles H. Sawyer

Notary Public.

Affidavit in Case
in the Matter of
Missouri Gooden
Minor Child, of
Alice Gooden
of Gooden

Affidavit of
C. J. Smith M.D.

United States of America
Western District
Indian Territory } ss Affidavit in Rome

Be it this day personally appeared before me the undersigned Notary public in and for the Western District of Indian Territory aforesaid
C. L. Smith W. D. who state under oath, who makes oath under due form of law that he is a practicing physician and that he was present and did deliver a female child of Alice Fooden and Jeff Fooden on the 15 day of June 1900 said child was living on the 15 day of May 1902, the said child named was Missouri Fooden and the said child is a creek citizen by birth. that the mother was a creek freedman and has enrolled and filed on land in the Creek Nation described S.E. 1/4 S. 28 T. 12 N. R 4 E. This affidavit was made for the purpose of placing the said child Missouri Fooden on the Creek freedmans roll under the provision of the act of Congress of 1901 and under the provision of the supplemental Treaty passed and approved

by the act of Congress & approved by the said Commissioners.

S. J. Smith M. D.

United States of America
Western District of the
Indian Territory } ss

On this the 4th day of July 1904 personally appeared before me a Notary Public in and for the Western District of I. T. aforesaid S. J. Smith M. D. who is well and personally known to me, who on the day above mentioned was a practicing physician and made oath in due form of law that the above statement is true to his best knowledge and belief and that he is not interested in said case neither personally as aforesaid

Sworn to & subscribed before me this day and year above written

My commission expires

Notary Public

194 20

IN RE

Application for Enrollment of

INFANT CHILD

Jeff Gordon & Alice Gordon dec'd

as a citizen of

Creek Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Missouri Gooden (Here insert name of child), born on the 15 day of June, 1900

Name of Father: Jeff Gooden a citizen of the ~~Creek~~ Nation.

Name of Mother: Alice Gooden a citizen of the Creek Nation.

Post-office Grayson I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Jeff Gooden ~~husband~~ to Alice Griffin, on oath state that I am 30 years of age and a citizen, by ~~husband~~ Intermarriage, of the Creek Nation; that I am the lawful ~~wife~~ husband of Alice Gooden ~~nee~~ Griffin, who is a citizen, by birth, of the Creek Nation; that a female (Male or female) child was born to me on ~~her~~ 15th day of June, 1900; that said child has been named Missouri Gooden, and is now living.

Jeff. Gooden

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14th day of July, 1900.

My Comm Ex Oct 7 1906. Mary L. Bozarth NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Samuel J. Smith, a Physician, on oath state that I attended on Mrs. Alice Gooden, wife of Jeff Gooden on the 15th day of June 1900, and ; that there was born to her on said date a female (MALE OR FEMALE) child; that said child is now living and is said to have been named Missouri Gooden

Samuel J. Smith.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14th day of July, 1900.

My Comm Ex Oct 7 1906 Mary L. Bozarth NOTARY PUBLIC.

E.L.G.
Ex. 572

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Missouri Gooden as a Creek Freedman.

D E C I S I O N .

The record in this case shows that on July 27, 1904, Jeff Gooden appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Missouri Gooden, as a Creek Freedman.

The evidence shows that said Missouri Gooden is the minor child of Alice Gooden, whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior December 1, 1903, Roll,No. 5019; that she was born June 15, 1900, and living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Missouri Gooden should be enrolled as a Creek Freedman in accordance with the provisions of the act of Congress, March 1, 1901 (31 Stat., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

CHAIRMAN

COMMISSIONER

COMMISSIONER

MUSKOGEE, INDIAN TERRITORY,

J.B.A.

Muskogee, Indian Territory, July 11, 1904.

Jeff Gooden,

Grayson, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of July 4, inclosing an irregular affadavit relative to the birth of Missouri Gooden who, it is claimed, is entitled to enrollment as a Creek freedman. You request that the name of the child be placed on the roll and that a certificate of enrollment be forwarded to you.

In reply you are advised that it will be necessary for the father or mother and two witnesses who know the date of the birth of said child to appear before the Commission at its office in Muskogee, Indian Territory, and submit evidence in the case.

There is herewith inclosed a blank form of birth affidavit which should be properly filled out, duly executed and returned to the Commission in the inclosed envelope which requires no postage.

Respectfully,

Commissioner in Charge.

1 B.A.

3813

Creek Mn. 572

Muskogee, Indian Territory, December 12, 1904.

Jeff Cooden,

Grayson, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 8, requesting to be informed of the status of the application for the enrollment of Missouri Cooden as a citizen of the Creek Nation.

You are advised that the matter is pending before the Commission. When the case is disposed of the parties in interest will be duly notified.

Respectfully,

Chairman.

Creek En. 572

Muskogee, Indian Territory, January 6, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Missouri Gooden as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Missouri Gooden will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

HOH-18

OR EN 573

OR EN 573

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. July 26, 1904.

In the matter of the application for the enrollment of Alec Scott, deceased, as a citizen by blood of the Creek Nation.

George Scott, being duly sworn, testified as follows through Alex Posey, official interpreter:

Examination by the Commission:

Q What is your name? A George Scott.
Q How old are you? A About 21;he says he don't know his age; he is just guessing at it. (The applicant appears to be older than the age given.)
Q What is your post office address? A Senora.
Q Does he make application for the enrollment of Alec Scott as a citizen by blood of the Creek Nation? A Yes sir.
Q Are you the father of Alec Scott? A Yes sir.
Q What is the name of his mother? A Betsey Arbuckle.
Q Betsey Scott now, isn't it? A She was enrolled under the name of Betsey Arbuckle;it is now Betsey Scott.

The records of the Commission show that George Scott is listed for enrollment on Creek Indian card field No. 3340 and that his name is contained in the partial list of Creeks by blood approved by the Secretary of the Interior March 28, 1902, No. 8472; the records further show that Betsey Arbuckle is listed for enrollment on Creek Indian card Field No. 3237, and that her name is contained in the partial list of Creeks by blood approved bymthe Secretary of the Interior March 28, 1902, No.8462.

Q Is Alec Scott living or dead? A Dead.
Q When was he born? A On the 2nd day of October, I don't remember the year but the child was 2-1/2 years old at the time of his death.
Q When did he die? A Last June; I don't remember the date.
Q You mean last month? A Yes sir;I don't remember the exact date.
Q How many days has he been dead? A About 28 days.
Q Have you any other children? A It is the only child I have. He says the child had some half brothers and sisters by a former marriage;he says the way he fixes the date, October, was from the fact that council meets in that month.
Q Was the child born during the session of the council? A The council members were preparing to go to Okmulgee at the time.
Q Did you write down about the birth of this child in a book, or a piece of paper or anything? A No sir.
Q How long have you been married to Betsey? A About three years when the child died.
Q How long after you were married before the child was born? A About a year.

An affidavit relative to the birth of Alec Scott is made part of the record herein; a blank form of birth affidavit is delivered to the applicant with instructions that the same be filled out and executed and returned to the Commission.

Henry G. Haines being sworn on his oath states that as stenographer to

the Commission to the Five Civilized Tribes he reported the above same and that this is a full, true and correct transcript of his stenographic notes in same.

Laura G. Haines.

Subscribed and sworn to before me this 10 day of August, 1904.

Charles D. Sawyer

Notary Public.

Mn. 573.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Weleetka, I. T., November 11, 1904.

In the matter of the application for the enrollment of Alec Scott deceased, as a citizen by blood of the Creek Nation.

DICK COLBERT, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Dick Colbert.
Q How old are you? A An Indian never knows his correct age but I suppose I am about fifty.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Hickory Ground.
Q Did you know a deceased child of George and Betsy Scott named Alec Scott? A Yes, sir.
Q He is dead is he? A Yes, sir.
Q How long has he been dead? A I think the child died in July of this year but I do not know the day.
Q How old was the child when it died? A I do not know the age of the child but it could walk and talk. He was about like that boy. IIndicating a boy about four years old, who is present)
Q Do you know when the child was born? ANo, sir.
Q Do you remember the circumstance of the opening of the Creek Land Office? A Yes, sir.
Q Was that boy living at the time the land office opened? A Yes, sir.
Q Are you positive that the child was born before the land office opened and died after the land office was opened? A Yes, sir.
Q Have George Scott and Betsy Scott any other children? A I think not. I think Betsy had been married once before she became the wife of George Scott and she may have had children by her former husband.

---cccOOOccc---

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 18 day of November, 1904.

Notary Public.

No. 573.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Seneca, I. T., June 22, 1906.

In the matter of the application for the enrollment of Alex Scott, deceased, as a citizen by blood of the Creek Nation.

SIMAHOYE, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Simahoye.
Q How old are you? A I do not know my age but I remember distinctly instances which happened before the Civil War.
Q What is your post office address? A Seneca.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Hickory Ground.
Q Do you know George and Betsey Scott? A Yes, sir, Betsey is my daughter. She is now dead.
Q Did you know a child of theirs named Alex Scott? A Yes, sir.
Q Do you know when he died? A The child died in June, last year.
Q How old was he at the time of his death? A He was going on three years old and was able to talk quite plainly. The child was walking at the time Crazy Snake and other Indians were arrested and taken to jail.
Q Do you know when the child was born? A The child was born in October and died at my house in its third year.

---oooOOOooo---

I, D. C. Skaggs, a oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs

Subscribed and sworn to before me this 2 day of JUL 17 1906.

Edward Suggs
Notary Public.

En.573

I.T.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alce Scott, deceased, as a citizen by blood of the Creek Nation.

D E C I S I O N.

The record in this case shows that on July 26, 1904, George Scott appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of his minor child, Alce Scott, deceased, as a citizen by blood of the Creek Nation.

Further proceedings were had November 11, 1904, and June 28, 1905.

The evidence shows that said Alce Scott, deceased, was born in the month of October, 1901, and that he died in the month of June 1904.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Alce Scott, deceased, as a citizen by blood of the Creek Nation and the application for his enrollment as such is accordingly denied.

Commissioner.

Muskogee, Indian Territory,

NOV 11 1905

573

Henryetta, Indian Territory, June 23, 1905.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith testimony in the matter of the application for enrollment of Alex Scott, deceased (En. 573), Salinee Arbuckle, deceased (En. 746), and Jennie Harjo, deceased (En. 838), as citizens by blood of the Creek Nation, together with copies of testimony heretofore taken in said cases. I find it impossible to secure further evidence.

Respectfully,

Signed Alex Posey
Clerk in Charge Creek Field Party.

En.873

Muskogee, Indian Territory, November 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Alec Scott, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 11, 1905.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

AC-13-7

Mn.573

Muskogee, Indian Territory, November 13, 1905.

George Scott,

Seneca, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of your minor child, Alec Scott, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-13-4

Mn.873

Muskogee, Indian Territory, November 13, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decition of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Alec Scott, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

AG-13-5

GR

#573

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 818-1906. February 28, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

November 13, 1905, you transmitted the record of the application of George Scott for the enrollment of his deceased minor child, Alec Scott, as a citizen by blood of the Creek Nation, including your decision dated November 11, 1905, denying said application.

January 13, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and your decision dated November 11, 1905, denying the application of George Scott for the enrollment of his deceased minor child, Alec Scott, , as a citizen by blood of the Creek Nation is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
First Assistant Secretary

1 inclosure.

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DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

#573

January 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated November 13, 1905, transmitting the record of the application, filed July 26, 1904, for enrollment as a citizen by blood of the Creek Nation of Alec Scott, deceased.

November 11, 1905, the Commissioner decided adversely to the application.

The record shows that Alec Scott was born in the month of October, 1901, and died in the month of June 1904.

In view of the record and of the Act of March 1, 1901 (31 Stats., 861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

LMM

C

En.573.

Muskogee, Indian Territory, March 8, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated November 11, 1905, denying the application for the enrollment of Alec Scott, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

No.873.

Muskogee, Indian Territory, March 8, 1906.

George Scott,

Senora, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 28, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated November 11, 1905, denying the application for the enrollment of your minor child, Alec Scott, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Acting Commissioner.

CR EN 574

CR EN 574

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JULY 23, 1904.

In the matter of the application for the enrollment of Purlie Johnson as a Creek Freedman.

Purlie McIntosh being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Purlie McIntosh.
Q How old are you? A Eighteen.
Q What is your post office address? A Wewoka, Indian Territory.
Q Do you make application to be enrolled as a Creek Freedman? A Yes sir.
Q To what town in the Creek Nation d you belong? A I don't know.
Q Do you live in the Indian Territory? A Yes sir.
Q How long have you? A Ever since I was birth.
Q Lived here all your life? A Yes sir.
Q Did you ever live in the Creek Nation? A Yes sir.
Q What is the name of your father? A George McIntosh.
Q Is he living or dead? A Dead.
Q How long has he been dead? A I can't tell you but it is ever since the $29 payment.
Q What is the name of your mother? A Maria Simon.
Q Is she living or dead? A Living.
Q Where? A In the Creek Nation.
Q Was any money ever drawn for you in the Creek Nation? A Yes sir.
Q When was that? How much? A $14.40.
Q Do you know who drew the money? A Yes sir.
Q Who was it? A Benny Nivens.
Q How long have you been living in the Seminole Nation? A I don't know sir; about 8 years I reckon.
Q Did you live in the Creek Nation before that time? A Yes sir.

Wiley McIntosh being duly sworn, testified as follows:

Q Give your name, age and post office address. A Wiley McIntosh; Muskogee, I.T. 47.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know Purlie McIntosh? A Yes sir.
Q How long have you known her? A I knew her a little before the $ 29 payment.
Q Pretty much all her life? A Yes sir.
Q You have been knowing her all along ever since that $29 payment, seeing her frequently? A Yes sir.
Q Did you know her father? A Yes sir.
Q Who was he? A Governor McIntosh.
Q Was he related to you? A Yes sir; first cousin.
Q Was he a citizen of the Creek Nation? A Yes sir.
Q To what town did he belong? A Arkansas Colored.
Q Same town you belong to? A Yes sir.

Q Did you know her mother? A Yes, her name is Maria Simon.
Q Is her mother a citizen of the Creek Nation? A No sir.
Q United States citizen, is she? A Yes sir.
Q Do you know whether any money was ever drawn for this applicant in the Creek Nation, or not? A Not as I know of;yes sir-- drawn by Ben Nivens.
Q What payment was that? A That was the $14.40.
Q You identify this applicant here, do you, as being Purlie McIntosh, the daughter of Maria Simon? A Yes sir, I do.
Q You know that to be a fact? A Yes sir.

L. C. Murphy being called and sworn, testified as follows:

Examination by the Commission:
Q What is your name? A L. C. Murphy
Q How old are you? A Fifty one.
Q What is your post office address? A Bearden.
Q Do you know Purlie McIntosh? A Yes sir.
Q How long have you known her? A. Ever since she was born; was born in my house; my wife was her granny.
Q What is the name of her father? A Governor McIntosh.
Q Did you know him? A Yes sir, well acquainted with him.
Q What is the name of her mother? A Maria Simon.
Q Do you know that this applicant is Purlie McIntosh, the daughter of Governor McIntosh and Maria Simon? A Yes sir.
Q Do you know Julius Johnson? A Yes sir.
Q Who is he? A He is her half brother.
Q Where is he? A He is at home.
Q Who is his father? A Coody Johnson.
Q Is Coody Johnson a citizen of the Creek Nation? A Yes sir.
Q Do you know whether Julius has been enrolled by the Commission or not? A No sir, I don't know whether he has or not.

Wiley McIntosh recalled:

By the Commission:
Q Was money drawn for this applicant in the $14.40 payment? A Cause she was a minor at that time and her father got killed at that time and nobody to draw for.
Q He got killed rightat the time of the payemtn? A Yes sir; he was an officer at that time; Bob Marshall killed him.

The 1895 Miller roll of the Creek Nation examined and the name of Purlie McIntosh found thereon at page 26, Arkansas town, and said roll shows that she is the daughter of Maria Simon.

Purlie McIntosh recalled:
By the Commission.
Q What is your present name? A Purlie Johnson.
Q You have been married? A Yes sir.
Q Married a man named Johnson? A Yes sir.
Q Your name was Purlie McIntosh? A Yes sir.

Perry G. Vaine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case

and that this is a full, true and correct transcript of his stenographic notes in same.

Laura A. Haines.

Subscribed and sworn to before me this 1st day of August, 1904.

Charles H. Sawyer

Notary Public.

3913

En. 874.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Purlie Johnson as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 23, 1904, Purlie Johnson appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman.

The evidence shows that said Purlie Johnson is identified on the 1895 omitted roll of the Creek Nation, and that she has resided in Indian Territory all her life.

It is, therefore, the opinion of the Commission that said Purlie Johnson should be enrolled as a Creek Freedman in accordance with the provisions of the Acts of Congress, June 28, 1898 (30 Stat. 495) and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

Creek En. 574

Muskogee, Indian Territory, January 5, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Purlie Johnson as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Purlie Johnson will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

HGH-3

CR EN 575

CR EN 575

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. July 28, 1904.

In the matter of the application for the enrollment of Sophia Renegar as a citizen by blood of the Creek Nation.

APPEARANCES: M. L. Mott, Attorney for Creek Nation.
G. C. Butler, Attorney for applicant.

Sophia Renegar being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Sophia Renegar.
Q How old are you? A Thirty five.
Q What is your post office address? A It will be Sapulpa.
Q Do you make application for enrollment as a citizen by blood of the Creek Nation? A Yes sir.
Q To what town in the Creek Nation do you belong? A Okfuske.
Q Do you know whether it is Okfuske Canadian or Okfuske Deep Fork? A I can't tell you.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q What is the name of your father? A I don't know my father.
Q What is the name of your mother? A Annie Obelia; called Laughing Annie.
Q Is she living or dead? A Dead; my mother's been dead ever since I was so high; I was small.
Q Where do you live? A In Sapulpa now; I come from the South here.
Q Where were you born? A I can't remember.
Q Was it in the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation-- all your life? A Only when I went out to work.
Q How long have you remained out? A Only about two months; I was sick; had to work.
Q Have you been married? A Yes sir.
Q More than once? A No sir.
Q What is your husband's name? A Henry Renegar.
Q Is he a citizen of the Creek Nation? A Yes sir, he was raised down here.
Q Is he living or dead? A Living.
Q You say he is a citizen of the Creek Nation? A He always was down here ever since I know anything.
Q How long is it since you were married? A Well, I have been married; I tell you me and my husband separated; I was married before that but we had a little difference.
Q How long has your name been Renegar? A 8 or 10 years.
Q What was your name before that? What was you called? A Sophia Obelia.
Q Did you ever come before this Commission before this time? A No sir, never was.
Q How much Creek blood do you claim to have? A Well, my mother's full blood.
Q What was your father? A Well, I don't know; I suppose he is kind of mixed.

Q You don't claim to be a full blood? A Yes sir; you see my father was a full blood, and my father claimed to be three quarters; that's wh at they say.

From the appearance of the applicant it is clear thatshe is not a full blood Creek Indian.

Q Were you ever known by any other name except Sophia? A No sir.

The 1890 authenticated tribal roll of the Creek Nation and the 1891 omitted roll of said nation of Okfuske Canadian and Okfuske Deep Fork towns examined and the applicant not identified on either of said rolls; the 1895 pay roll and the 1895 omitted roll of the Creek Nation of Okfjske Canadian and Okfuske Deep Fork town examined and the applicant not identified on either of said rolls.

Nellie Fox being duly sworn te tified as follows through Alex Posey, official interpreter:

By the Commission:
Q Give your name, age and post office address? A Nellie Fox; 46; Mounds.
Q You are a citizen of the Creek Nation, are you? A Yes sir.

The records of the Commission examined and it appears thatNellie Fox is listed for enrollment on Creek Indian card field No. 504, approved roll No. 1637.

Q Do you know Sophia Renegar? A Yes sir.
Q How long have you known her? A About three years.
Q Where did you get acquainted withher? A At Tuskegee and Okfuske.
Q And you never knew her before three years ago? A I have known her from childhood. Knew her about Ft. Gibson and over here on Grand River and on Verdigris.
Q Have you known her all along since she was a child? A Yes sir.
Q To what town did she belong? A Okfusky.
Q She don't belong to the same town you do? A Belong to different towns.
Q What name did she go by when she was a child? A Spphy.
Q What else? A I have forgotten.
Q Do you know whether she ever drew any money from the Creek Nation or not or whether anyone has drawn for her? A I heard that she drew money but don't know from personal knowledged.
Q Where has Sophia been living during the time you have been knowing her? A Sapulpa; she has been an orphan and has lived at various places; is now living at Sapulpa.
Q What is the name of her mother? A Ann Apela.
Q Is Sophia kin to you? A She is daughter of my grandmother's sister.
Q Do you know the name of her father? A He has been dead a long time; I didn't know him.
Q Was Sophia's mother a Creek? A Yes sir.
Q Full blood? A Full blood.
Q Did Sophia's mother die in the Creek Nation? A Over across Verdigris.
Q Was it in the Creek Nation? A Yes sir.

Q Did she live in the Creek Nation all her life? A Yes sir.

Sarah Jane Nolan being duly sworn, testified as follows:

By the Commission:

Q What is your name? A You know my name without asking me.
Q We will have to have it down here now. A Well, you know it; Sarah Jane Nolan.
Q How old are you? A I told you the other day; I told you 55, wasn't it?
Q What is your post office address? A Sapulpa.
Q Do you know Sophia Renegar? A Yes sir; I seen her when she was a girl.
Q Well, do you know her now? A Yes sir.
Q How long have you been knowing her here lately? A Well, I used to see her when she was a girl and her mother too but we got parted and I haven't seen her until here about a year ago or over; I used to know her when she was a girl- kin to that old lady there; she has always told me she was kin.
Q Do you know this is the same person you knew when she was a girl? A Yes sir; we even got together and she told me her mother was Laughing Annie or Annie Opala; of course she wouldn't know unless this is the woman.
Q Do you know what town she belonged to? A Okfuskee.
Q Okfuske Canadian or Okfuskee Deep Fork? A Its Deep Fork I think; she belonged to Okfuskee all the same; I don't know which one it was though.
Q Was her mother a full blood Creek Indian? A Yes sir, and was an Indian.
Q Full blood Creek? A Yes sir; seed the old lady.
Q And her mother died here in the Creek Nation? A Yes sir, on Verdigris.
Q Did she live in the Creek Nation all her life? A Yes sir, when I got acquainted with her she was in the Creek Nation; I don't know whether she was in the Creek Nation all her life or not.
Q Well, has Sophia been out of the Creek Nation? A She goes out may be 6 months and more and come back; she makes the Creek Nation her home, though.
Q You spoke of knowing her when she was a girl? A Yes sir, I got acquainted with her when her mother was a girl, a little girl, and we got parted and when she growed up I asked her name and she said Annie Opala and I said I used to see you when you was a girl; I know you.

The records of the Colbert Commission and the Commission to the Five Civilized Tribes under the act of June 10, 1896, examined and it does not appear that ~~the application~~ application was made for the admission of the applicant to citizenship in the Creek Nation.

Q Was Sophia's mother recognized as a Creek citizen? A Yes sir.
Q She was a full blood Creek, was she? A Yes sir.; as far as I know, she was full blood Creek.
Q You know she was a Creek by blood? A Yes sir; I can't tell you any more; I can't tell you if she ever been on the roll or not; I can't say that part.
Q Did you know the mother of Sophia's mother? A The old lady?
Q Yes. A She got such a funny name- her name was-- she got such a funny Indian name; I don't know the old lady.

Q Did you know Sophia's grandfather? A No sir, I don't know her grandfather neither; I don't know her own father; I knowed her mother; that's all; she didn't know her papa but I think she knows her grandmother; she is kin to them.

Applicant recalled:

By the Commission:
Q Have you any brothers and sisters? A No sir.
Q Never did have any? A If I did I don't know.

At the request of attorney for applicant, 30 days will be allowed within which to introduce further evidence, in this case.

Henry C. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry C. Haines.

Subscribed and sworn to before me this 10 day of August, 1904.

Charles W. Sawyer

Notary Public.

En. 575.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

8013

-101-

In the matter of the application for the enrollment of Sophia Renegar as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 28, 1904, Sophia Renegar appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen by blood of the Creek Nation; at the conclusion of the evidence offered at that time thirty days was granted within which to introduce further evidence in the case- no further evidence has been offered.

The evidence shows that said Sophia Renegar is not a full blood Creek Indian.

It does not appear that the applicant has ever been enrolled as a citizen of the Creek Nation, nor does it appear that she has ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Sophia Renegar as a citizen by blood of the Creek Nation, and that the application for her enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

JAN 4 1905

[illegible] OF AMERICA,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sophia [illegible], for enrollment as [illegible] citizen of the Creek Nation.

[illegible] TO [illegible].

[illegible] the applicant and moves that the above entitled cause be [illegible] and that [illegible] be permitted to introduce further testimony, for the [illegible], to-wit:

[illegible] the [illegible] of the applicant's [illegible] is [illegible] of said [illegible].

[illegible] the record [illegible] the above state of facts, [illegible] of said testimony [illegible] the [illegible] in this case.

[illegible] that this cause be [illegible] in order [illegible] the above facts.

[illegible]

[illegible], Attorney for applicant.

[illegible] that the above statements are true.

[illegible] day of June, 1[illegible].

[illegible]

[illegible] accepted [illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sophia Renegar, for enrollment as a citizen of the Creek Nation.

A F F I D A V I T.

[illegible], being duly sworn, upon his oath says [illegible] citizen of the Creek Nation and has received his allotment. [illegible] is his niece and daughter of his brother, [illegible] that [illegible] enrolled upon the [illegible] roll [illegible] the ap- [illegible] birth, [illegible] to be a daughter of the said [illegible]. That said Sophia Renegar was born [illegible] after the war [illegible] 30 years of age, or [illegible].

____

[illegible] this [illegible] day of [illegible],

____

8813

En. 575

Muskogee, Indian Territory, November 28, 1904.

Sophia Renegar,

Muskogee, Indian Territory.

Dear Madam:

Your letter of November 14, 1904, to the Secretary of the Interior, has been referred to the Commission for consideration and appropriate action. It is stated that you made application July 25, and you ask to be informed as to the status of the case.

The records of the Commission show that on July 25, 1904, you made application for enrollment as a citizen of the Creek Nation.

You are advised that a decision has not been rendered in the matter. When the case is disposed of, you will be duly notified.

Respectfully,

Commissioner in Charge.

H&H

Creek En 575

Muskogee, Indian Territory, January 7, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sophia Monegar as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYL-37.

Creek En 575

Muskogee, Indian Territory, January 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sophia Henegar as a citizen by blood of the Creek Nation, including the decision of the Commission, dated January 4, 1905.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYM-36.

Creek An 575

Muskogee, Indian Territory, January 7, 1905.

O. C. Butts,

Attorney for Sophia Konegar,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sophia Konegar as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-DO.

2628

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Creek En 575

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 7, 1905.

Sophia Renegar,

Sapulpa, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

JYM-3.

D.C.7018-1905
I.T.D.468-1905

J.P.
FHE

(Copy)

LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON, February 8, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 7, 1905, you transmitted the record in the matter of the application for the enrollment of Sophia Renegar as a citizen by blood of the Creek Nation, including your decision of January 4, 1905, which was adverse to the applicant.

Reporting in the matter January 17, 1905, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

1 inclosure.

535

Land
2217-1905

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, January 17, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the application, made July 25, 1904, for enrollment as a citizen by blood of the Creek Nation by Sophia Monegar.

January 4, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is not a full blood Creek Indian and that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. LARRABEE,
Acting Commissioner.

N'o A

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Creek En 576

Muskogee, Indian Territory, February 15, 1905.

Sophia Renegar,

Sapulpa, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 8, 1905, affirmed the decision of the Commission, denying your application for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Creek En 578

Muskogee, Indian Territory, February 18, 1905.

C. C. Butts,

Attorney for Sophia Ronogar,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, on February 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Sophia Ronogar as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Creek En 575

Muskogee, Indian Territory, February 15, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of February 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Sophia Ronorar as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Creek An 575

Muskogee, Indian Territory, February 15, 1906.

W. H. H. Clayton, Jr.,

Attorney for Sophia Renogar,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Sophia Renogar as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

Cr.En. 875.

Muskogee, Indian Territory, July 28,1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of February 8, 1905 (I.T.D. 468-1905), affirmed the decision of the Commission to the Five Civilized Tribes of January 4, 1905, denying the application for the enrollment of Sophia Renegar, as a citizen by blood of the Creek Nation.

There is herewith enclosed motion to reopen said cause, accompanied by affidavit, filed with this office on June 25,1906.

The statements set forth in said motion as grounds for reopening are:

"First: Because the name of the applicant's father is enrolled on the Dunn Roll, and applicant was born to him since the making of said roll.

Second: Because the record does not show the above state of facts, and applicant was not aware of the importance of said testimony at the time the original hearing was had in this case."

The statement that "the name of applicant's father is enrolled on the Dunn roll and applicant was born to him since the making of said roll" is inconsistent with the evidence previously submitted in the case. The applicant testified in proceedings had July 25, 1904, that she did not know the name of her father and it was not claimed by applicant that she possessed any rights as a Creek freedman. No weight can be given to the statement that " applicant was not aware of the importance of such testimony at the time of original hearing had in this case", in view of the testimony of applicant, above referred to. It is shown by the record that ample time and opportunity was afforded said applicant and her attorney to introduce such evidence as might be material towards establishing her alleged right to enrollment.

In view of the facts in the case, I respectfully recommend that said motion to reopen be denied.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

LM-24.

Refer in reply to the following:
Land: 11829-1906
65723-1906.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 12, 1906.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of February 8, 1905, (I.T.D. 468-1905), affirming the decision of the Commission to the Five Civilized Tribes denying the application of Sophia Renegar, a citizen by blood of the Creek Nation, there is transmitted herewith a communication from the Commissioner to the Five Civilized Tribes, dated July 28, 1906, enclosing a motion to reopen this case, supported by affidavit filed with the Commissioner on June 25, 1906, showing service of a copy on M.L.Mott, the attorney for the Creek Nation. The Commissioner recommends that the motion be denied.

The record in the case is transmitted herewith.

Very respectfully,

F.E.Leupp,

Commissioner.

EWR
LC.

REFER IN REPLY TO THE FOLLOWING:
Cr. En. 575

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 27,1906.

Sophia Renegar,

Sapulpa, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of October 2, 1906, denied the motion to reopen filed with this office June 25, 1906, in the matter of the application for the enrollment of Sophia Renegar, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.En.675.

Muskogee, Indian Territory, October 27,1906.

E. Mastain,

Attorney for Sophia Renegar,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 2, 1906, denied the motion to reopen filed with this office June 25, 1906, in the matter of the application for the enrollment of Sophia Renegar, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.Rn. 575.

Muskogee, Indian Territory, October 27,1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 8, 1906, denied the motion to reopen filed with this office June 25, 1906, in the matter of the application for the enrollment of Sophia Renegar, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

I.T.D. 17148-1906.

JFJr.FHE.LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 2, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On September 12, 1906 (land 65723), the Indian Office transmitted your report of July 28, 1906, forwarding a motion for review in the matter of the application for the enrollment of Sophia Renegar as a citizen by blood of the Creek Nation.

It appears that ample time was afforded the applicant to introduce such evidence as was necessary to establish her alleged right to enrolment. You recommend that the motion be denied.

The Indian Office makes no recommendation in the matter. A copy of its letter is inclosed.

There appears to be no proper reason for reopening this case, and the motion is accordingly denied.

The record, motion and other papers have been returned for the files of the Indian Office.

Respectfully,

Thos. Ryan,

Acting Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 for Ind.Of.

CR EN 576

CR EN 576

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JULY 26, 1904.

In the matter of the application for the enrollment of Zeke Moore as a Creek Freedman.

APPEARANCE: Robertson & King, Attorneys for applicant.

Zeke Moore being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Zeke Moore.
Q How old are you? A Twenty.
Q What is your post office address? A Muskogee.
Q Do you make application for enrollment as a Creek Freedman? A Yes sir.
Q What town do you claim to belong to? A Arkansas.
Q Was any money ever drawn for you in the Creek Nation? A Yes sir.
Q What is the name of your father? A Jerry Moore.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A Five years; died in 1898.
Q Was he a citizen of the Creek Nation? A Yes sir.
Q What is the name of your mother? A Rody Moore.
Q Is she living or dead? A Dead.
Q How long has she been dead? A About 12 years.
Q Is she a citizen of the Creek Nation,? A No sir, Choctaw.
Q Have you any brothers and,sisters? A Yes sir.
Q Any of them living? A Yes sir, all of them.
Q Have they been enrolled by the Commission? A Yes sir.
Q What are their names? A Grant, Will, Lillie and Gabe Moore; Rachel Turner and Stella and Minnie Moore.
Q Have you ever made application for enrollment as a citizen of the Choctaw Nation? A No sir.
Q Have you lived in the Creek Nation all your life? A Yes sir.
Q Why is it you haven't made application for enrollment before this? A I have been up here several times and tried it here for a year.
Q Tried to be enrolled? A Yes sir; you wasn't taking evidence then; you were searching the roll for it then and you kept on putting me off.
Q Were you ever known by any other name except Zeke Moore? A No sir.
Q Do you know whether the $29 was drawn for you or not? A Yes sir.
Q Who drew it? A This man here. (Pointing to Wiley McIntosh).
Q Was your father ever known by any other name except Jerry Moore? A No sir.

The 1890 authenticated tribal roll of the Creek Nation examined and the name of the applicant nor of his father found thereon; the 1895 Omitted roll of the Creek Nation examined and the name of Jerry Moore found thereon at #330, Arkansas town, and he is identified as the father of the applicant. The 1895 Doubtful Roll of the Creek Nation examined, and the name of Jerry Moore found thereon in Arkansas town; the name of the applicant not found thereon.

Henry G. Mains being sworn on his oath states that as stenographer to

the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry L. [redacted].

Subscribed and sworn to before me this 20th day of August, 1904.

Charles H. Sawyer

Notary Public.

En 576

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 22, 1905

In the matter of the application for the enrollment of Zeke Moore as a Creek Freedman.

Gabe Moore, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER:
Q What is your name? A Gabe Moore.
Q How old are you? A I am 38.
Q What is your postoffice address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Got your land? A Yes sir.
Q What is the name of your father? A Jerry Moore.
Q Is he a citizen of the Creek Nation? A Yes sir.
Q Is he living? A No sir; he is dead.
Q What is the name of your mother? A Jennie Moore.
Q Jennie? A Yes sir.
Q Is she a citizen of the Creek Nation? A No sir.
Q She is dead? A Yes sir.
Q Do you know Zeke Moore? A Yes sir.
Q About how old is the one that you speak of? A He is of age now.
Q About 21? A Yes sir.
Q Is he any kin to you? A My brother.
Q Full brother? A No, half brother.
Q Which parent is the same? A He is--we are of the same father but different mother.
Q You know the name of his mother? A Yes sir.
Q Tell it. A Rhoda. I don't know what other name.
Q Is she living? A Dead.
Q Was she a citizen of the Creek Nation? A No sir; Choctaw Nation.
Q Do you know if application was ever made for the enrollment of Zeke Moore, this half brother of yours, as a Choctaw? A No sir; never was any.
Q Any rights that he has as a Creek Freedman come through Jerry Moore? A Yes sir.
Q Do you know whether Zeke Moore ever drew any money from the Creek Nation? A Yes sir.
Q You do? A Yes sir.
Q When did he draw that? A Why, he drew the $19 payment.
Q In what Creek Indian Town did he draw that, do you know? A I don't know here.
Q What Town do you belong to? A I am belong to Gabriel Jimmerson Town.
Q Did you, yourself, and half-brother, Zeke Moore, drew at the same time you did? A Yes, he drew; all of us drew together.
Q Do you know what Creek Indian Town this Zeke Moore belongs to?
A No sir; I don't know.
Q How long have you known Zeke Moore? A Pretty near ever since

he was born.
Q Where was he born? A Here, in this country.
Q Has he lived here ever since he was born? A No, sir; he went away from here, stayed away about a year.
Q When did he go away first? A I don't know.
Q You said you knew him ever since he was born? A I didn't seen except that year.
Q Whose family did he live with? A Lived with us, Jerry Moore.
Q You and the other children of Jerry Moore? A Yes sir.
Q Don't you know what Town you belong to? A I know, but I forgot it.
Q Who drew for Zeke Moore? A My father.
Q What is his name? A Jerry Moore.
Q Can you name more brothers and sisters of this Zeke Moore?
A Rachel Turner.
Q You are sure she had the same father? A Yes sir.
Q Any others? A Mamie Moore.
Q Is she your full sister? A She is a full sister of Zeke; Stella Moore; they are all full sisters and brothers of Young Zeke; Grant Moore.
Q How about Will Moore? A Yes, Will Moore; he is half.
Q He is a brother of yours? A Will, he ain't a full brother of his; half.

The witness is identified as Gabe Moore, on Creek Freedman card, 1336, opposite Roll No. 4554. From a notation thereon it appears that Gabe Moore's name is found on the 1890 Omitted Arkansas Roll, and on no other roll of the Creek Nation.

INDIAN TERRITORY, Western District.
I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

J Y Miller

Sworn to and subscribed before me this the 27 day of July, 1901.

Edwd Friend
Notary Public.

✓

En. 576

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, July 28,1905.

In the matter of the application for the enrollment of Zeke Moore, as a Creek freedman.

Frances Norwood, being duly sworn, testified as follows :

By Commissioner.

Q What is your name? A Frances Norwood.
Q What is your age? A 38
Q What is your post office? A Muskogee.
Q Do you know Zeke Moore? A Yes, sir
Q Is he related to you? A Yes, sir
Q What relation? A Firs cousin
Q What is the name of his father? A Jerry
Q What is the name of his mother? A Rhoda
Q Do you know any other Zeke Moore besides the applicant here? A Yes, sir
Q What is the name of the other Zekes father? A Louis
Q The other Zeke Moore is the father of Gertrude Moore? A Yes,sir
Q Is Zeke Moore living? A Yes, sir
Q Where is he now? A In penitentiary
Q Where did he live before he went to the penitentiary? A In Muskogee
Q Did he live in Indian Territory before he went to the penitentiary? A Yes, sir
Q How old is he now? A Twenty one this month
Q Name some of the brothers and sistersof Zeke Moore? A William, Frank, Gabe, Grant, Stella, Mamie and Rachel Turner

Witness states that Zeke Moore is at present in the penitentiary at Fort Leaven orth and that any notices in relation to this case should be sent to her at Box 1196, Muskogee.

Anna Garrigues on oath states that the above is a true copy of her stenographic notes taken in said cause on said date.

Anna Garrigues

SUBSCRIBED and sworn to before me this 28th day of July 1905.

Edwell Sweesy
Notary Public.

En 576 I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Zeke Moore as a Creek Freedman.

DECISION.

The record in this case shows that on July 26, 1904, Zeke Moore appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a Creek Freedman. Further proceedings were had July 22 and July 28, 1905.

The evidence shows that said Zeke Moore was twenty years old at the date of the application herein; that he is the child of Rody Moore, a non-citizen, and of Jerry Moore, and that the name of said Jerry Moore appears on the 1891 Omitted Roll of the Creek Nation and on the 1895 Doubtful Roll of said Nation.

It is, therefore ordered and adjudged that, following the ruling of the Department in the Creek case of Frank London, et al., said Zeke Moore is entitled to be enrolled as a Creek Freedman, in accordance with the provisions of the act of Congress of June 30, 1902, (32 Stats., 500), and the application for his enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory,
NOV 14 1905

40 C.B.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1905.

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 20, inclosing copy of the testimony of Zeke Moore in the matter of his application for enrollment as a Creek freedman, in which he stated that his mother was a citizen of the Choctaw Nation. You therefore ask if application has been made for the enrollment of Zeke Moore as a citizen of the Choctaw Nation, and if so, what disposition has been made of the same.

In reply you are advised that it does not appear from our records that application has been made to this Commission for the enrollment of Zeke Moore as a citizen or freedman of the Choctaw Nation, and the copy of the testimony inclosed with your letter is herewith returned.

Respectfully,

Chairman.

AB 3-31

'11 O.B.

REFER IN REPLY TO THE FOLLOWING:
Cr. En. 576

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 10, 1905.

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 4, 1905, in which you ask if application has been made for the enrollment as a citizen or freedman of the Choctaw or Chickasaw Nation of Zeke Moore, son of Jerry and Rody Moore.

In reply to your letter you are advised that it does not appear from the records of this office that Zeke Moore is an applicant for enrollment as a citizen or freedman of the Choctaw or Chickasaw Nation.

Respectfully,

Commissioner.

Or En 676

Muskogee, Indian Territory, November 4, 1905.

Clerk in Charge,

Choctaw-Chickasaw Enrollment Division.

Dear Sir:

July 26, 1904, application was made to the Commission to the Five Civilized Tribes for the enrollment of Keke Moore as a Creek Freedman. It appears from the evidence in the case that said Keke Moore was about twenty years old at the time of the application, and that he is the child of Jerry Moore, a citizen of the Creek Nation, and Rody Moore, a citizen of the Choctaw Nation.

You are requested to advise the Creek Enrollment Division whether or not application has been made for the enrollment of said Keke Moore as a citizen by blood of the Choctaw Nation or as a Choctaw Freedman, and if so, what disposition has been made of same.

Respectfully,

Commissioner.

Nn.576

Muskogee, Indian Territory, November 14, 1905.

W. T. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Zeke Moore, as a Creek freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made the said Zeke Moore will be regularly listed for enrollment as a Creek freedman.

Respectfully,

Commissioner.

AG-576

Cr Mn 576

Muskogee, Indian Territory, January 10, 1906.

Robertson & King,

Attorneys for Zeke Moore,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the name of Zeke Moore is contained in a partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

Cr Mn 576

Muskogee, Indian Territory, January 10, 1906.

Moke Moore,

General Delivery,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that your name is contained in a partial list of Creek Freedmen approved by the Secretary of the Interior January 4, 1906, and that application for a selection of land in the Creek Nation may now be made at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory.

Respectfully,

Commissioner.

CR EN 577

CR EN 577

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hasson, I. T., July 22, 1904.

In the matter of the application for the enrollment of Kogee Dee as a citizen by blood of the Creek Nation.

SUSIE HARJO, being duly sworn, testified as follows:

Through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Susie Harjo.
Q How old are you? A I don't know.
Q About how old are you? A I never have been told and don't know.

The witness appears to be at least 25 years of age.

Q What is your post office address? A Hasson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Okchiye.
Q Did you know Thomas Dee? A Yes, sir.
Q Is he living? A He is alive but is very sick.
Q What is his post office address? A Hasson.
Q Did you know Alice Dorsey? A Yes, sir. She was my older sister.
Q Is she living? A She died a good while ago.
Q Do you know the date of her death? A I don't know.
Q Did she have a child by Thomas Dee by the name of Kogee? A Yes, sir.
Q Can you tell me the date of Kogee's birth? A I don't know the month. It was in winter. I don't know the year. I had no occation to keep the time and so I don't know.
Q Is Kogee living? A She died.
Q How old was she when she died? A She had begun to walk. Must have been something over a year old.
Q Can you state that date of her death? A She died shortly after her mother and so I don't know the date.
Q How long after Alice Dorsey died until Kogee died? A The mother died in the Fall of the year just about when they began to pick cotton and the child died the following Spring. I don't know the months.

JOHN [illegible], being duly sworn, testified as follows:

Partly through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A John [illegible].
Q How old are you? A About [illegible].
Q What is your post office? A Hasson.
Q Are you a citizen of the Creek Nation at Wewoka Town? A Yes, sir. I am a member of the House of Warriors.
Q Did you know Thomas Dee and Alice Dorsey? A Yes, sir.
Q What town did they belong to? A They belonged to Okchiye.
Q Did they have a child named Kogee? A I saw the child and I was told that the child was named Kogee.
Q Do you know the date of its birth? A Don't know.
Q Do you know the year? A No, sir.
Q Do you know whether it is living or dead? A Dead.
Q Do you know the date of its death? A I saw it dead. It was dead but I don't know the date of the month nor year.

Q How old was the child when it died? A I don't know how old it was.
Q Were Thomas Doe and Alice Dorsey married? A They were living in that relation. I suppose they were.
Q Did they live together in that relation until Alice died? A Yes, sir.
Q Do you know the date of Alice Dorsey's death? A Thomas is the only man that [redacted] is supposed to give the date. I am not able to.
Q Where is Kogee Buried? A I think she was buried about where Hotulke Emarthla lived.

---oooOOOooo---

I, Drennan C. Skaggs, on oath, state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs.

Subscribed and sworn to before me this 11th day of August, 1904.

Wm. Martin Jr.
Notary Public.

61K

Mn. 877.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Okmulgee, I. T., October 31, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Kogee Deo, deceased, as a citizen by blood of the Creek Nation.

WILEY BUCKNER, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

By Commission:

Q What is your name? A Wiley Buckner.
Q What is your age? A My age is about forty-five/
Q What is your post office address? A My present post office is Hannah.
Q Are you Town King of Okchiye Town? A Yes, sir.
Q Did you know Thomas Deo and his wife Alice? A Yes, sir.
Q Were they both full-blood Creek Indians? A Yes, sir.
Q Did you know a child of theirs named Kogee? A Yes, sir. That child is dead is it? A Yes, sir.
Q About how old was the child when it died? A I would judge the child was about two years old, and may be a little over, at the time of its death.
Q Could the child walk? A Yes, sir.
Q To what town did Thomas Deo belong? A Okchiye.
Q To what town did Alice belong? A Okchiye. The mother is now dead.
Q Which died first Alice or Kogee? A I am of the opinion that the mother died first.
Q What was her name before she married Thomad Deo? A Alice Canard, a daughter of Washington Carnard.
Q Was her mother named Lissie? A Yes, sir, she is also dead.

Reference is here made to Creek Indian Cards 2977 and 2360.

Q What is Thomad Deo's post office address? A Hannah.

-------O------

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 6 day of Nov 1904.

Charles F. Sawyer
Notary Public.

D.D.
3813

En.877

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Kogee Dee, deceased, as a citizen by blood of the Creek Nation.

-: SUPPLEMENTAL STATEMENT :-

The records of the Commission show that Thomas Dee and Alice Dorsey are listed for enrollment on Creek Indian Cards 2977 and 2360, respectively, and that said names are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Roll Nos. 8208, and 7088, respectively.

The records further show that said Alice Dorsey died November 17, 1900.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Muskogee, Indian Territory

Nove ber 15, 1904.

D. D.

En.877

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Kogee Deo, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 22, 1904, Susie Harjo appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Kogee Deo, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had at Okmulgee, Indian Territory, October 31, 1904, and at Muskogee, Indian Territory, November 15, 1904.

The evidence shows that said Kogee Deo, deceased, was the minor child of Thomas Deo and Alice Dorsey and that the names of said Thomas Deo and Alice Dorsey are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, Roll Nos. 8209 and 7088, respectively.

The evidence further shows that said Kogee Deo, deceased, was born prior to July 1, 1900, and that she died subsequent to that date.

It is, therefore, the opinion of this Commission that said Kogee Deo, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the Act of Congress March 1, 1901 (31 Stats., 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman

Commissioner

Commissioner

Muskogee, Indian Territory.

JUN 1 ' 1905

40

IN RE

Application for Enrollment of

INFANT CHILD

Roger Deo, deceased

as a citizen of the

Creek *Nation.*

Approved *190*

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
Feby 10 1903

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Roger Deo (Here insert name of child.), born on the 27 day of Jan, 1902
Name of Father: Thomas Deo, a citizen of the Creek Nation.
Name of Mother: Alice Dorsey, a citizen of the Creek Nation.
Post-Office: Hasson I T

AFFIDAVIT OF ~~MOTHER~~ Father.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western District.

I, Thomas Deo, on oath state that I am 21 years of age and a citizen, by Blood, of the Creek Nation; that I am the ~~wife~~ husband of Alice Dorsey, who ~~is~~ was a citizen, by Blood, of the Creek Nation, that a female (Male or female.) child was born to ~~her~~ on the 27th day of January 1902; that said child has been named Roger Deo, and is now ~~living~~ dead. Having died on 11th day of Oct 1901.

Thomas Deo

WITNESSED TO MARK:

(Must be Two Witnesses)

Aug 1-1906

Subscribed and sworn to before me this 9th *day of* Feb 1903.

Thos. F. Brown
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Western District.

I, John Deo, a ~~Physician~~, on oath state that I ~~attended the wife~~ was present during the ~~birth~~ Confinement of Alice Dorsey on the 27th day of January, 1902; that there was born to her on said date a female (Male or female.) child; that said child is now ~~living~~ dead and is said to have been named Roger Deo. Said Child died Oct 11th 1901.

John Deo his ★ mark

WITNESSED TO MARK

(Must be Two Witnesses)

Aug 1-1906

Subscribed and sworn to before me this 9th *day of* Feb 1903

Thos. F. Brown
Notary Public.

J.J.D.

B. A. 40.

Muskogee, Indian Territory, September 29, 1903.

[redacted]as Dee,

Masson, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the birth and death of your minor child, Kegee Dee, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Creek 877

Muskogee, Indian Territory, June 24, 1903.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Regee Dee as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to file protest against said decision, and if, at the expiration of that time, no protest has been filed, said Regee Dee will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

AG-24-3

Chairman.

Cr.No.577.

Muskogee, Indian Territory, July 1,1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Kogee Deo, deceased, as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made said Kogee Deo, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Cr.En. 577

Muskogee, Indian Territory, September 30, 1905.

Thomas Deo,

Hanna, Indian Territory.

Dear Sir:

You are advised that the name of your minor child, Kogee Deo, deceased, is contained in the partial list of Creek citizens by blood approved by the Secretary of the Interior September 21, 1905, and that selection of land in the Creek Nation may now be made by her legal representative for the heirs of said Kogee Deo, deceased.

Respectfully,

Commissioner.

CR EN 578

CR EN 578

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Masson, I. T., July 20, 1904.

In the matter of the application for the enrollment of Leah and Minnie Red, deceased, as citizens by blood of the Creek Nation.

THOMAS RED, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Thomas Red.
Q What is your age? A About forty.
Q What is your post office address? A Masson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Hickory Ground.
Q For whom do you make application to the Commission for enrollment? A Leah and Minnie.
Q Are they your children? A Yes, sir. They are my children.
Q Do you make application for their enrollment as citizens by blood of the Creek Nation? A Yes, sir.
Q What is their mother's name? A Martha is her name but we have separated a good long while ago and she went up to Redfork.
Q Is she living? A Yes, sir.
Q What town does she belong to? A Tuskabatche.
Q She is a citizen of the Creek Nation? A Yes, sir.
Q Is she the mother of both Leah and Minnie? A Yes, sir, she is the mother.
Q Are Leah and Minnie Red living? A No, sir, they died.
Q Was Martha living with you when they died? A Yes, sir.
Q You did not separate then, as I understand you, until both of these children were dead? A No, sir.
Q How old was Leah when she died? A She was all of three and very near four.
Q Can you state the date of her death? A I can't give the date of the month but I can give the month and year.
Q State it? A 1899 in August.
Q Have you a record of the date of Leah's death? A I got it at home.
Q Is it written in a book? A Yes, sir.
Q Describe the book? A The back of it is red and it is a little memorandum book. I keep it for accounts.
Q How large was it? A About like that (indicating what would be about 3 X 5 inches)
Q What is written in that book besides the date of Leah's death? A We generally take the date of dead people on that and there may be other things written in there.
Q What other people do you write the dates of death in there or is it a public record or anything of that kind? A I got the date of the death of Thomas Bird that died here and the death of Martha James.
Q Is the entry in regard to the date of the death of Leah written in there with pencil or pen? A Pencil.
Q Who wrote it in there? A I did.
Q When? A I can't state the day I wrote it but it was in the same year.
Q How long after the death of Leah? A I don't know exactly the time.

Thomas Red witness:

By Commission:

Q About how long after the death of Leah before you wrote it? A I don't know exactly when I did it but it was in the same year. The manner in which it was written "Leah departed this life in such a year, such a month and such date."
Q Where is Leah buried? A Cummings' Grave yard.
Q Is Minnie living? A She died.
Q Do you know the date of her death? A February 9, 1901.
Q How old was she when she died? A She was not quite a year old.
Q Can you state the date of her birth? A I can't state the time exactly but it was not quite one year.
Q What month was Minnie born in? A I don't know what month. She was some where about six months old----she was born the last day of November on the night of the last day of November.
Q What year? A 1900.
Q As I understand you now Minnie was born in November 1900 and died February 9, 1901? A Yes, sir.
Q That is, she was born in November one year and died the next February? A Yes, sir.
Q Have you a record of the date of the birth of Minnie and the date of her death? A No, sir, I made no record of that. But I know it.
Q Have you a record of the date of the birth of Leah? A I didn't make any record of the birth. Only the death.
Q Where is Minnie buried? A In Cummings' Grave Yard, by the side of Leah.
Q Are there head-stones at the graves of Leah and Minnie on which are written the dates of the birth and death or dates of death and their ages? A No, sir.
Q Did you have a doctor in attendance at the death of either Leah or Minnie? A There was an Indian Doctor there.
Q Did you have a white physician? A No, sir.
Q Did you have a white doctor in attendance at either of the births of Leah or Minnie? A No, sir.
Q As I understand you, you made a record of the date of the death of Minnie? A Yes, sir.
Q Was it written in the same book that Leah's was made in? A Yes, sir.
Q How long after the death of Minnie before the entry in regard to her death was made in that book? A It was not very long but I don't know the exact date but it was within a week's time.
Q Was that entry made with pencil or pen? A Pencil.
Q Who made both of the entries in that book in regard to the deaths of Leah and Minnie? A I did. I generally do that myself.
Q You can read and write in English then? A I can write in the Indian Language. Names and a few words.
Q You mean in Creek? A Yes, sir.
Q Can you read or write in English? A No, sir. I have never been to school.
Q How long after Leah died until Minnie died? A I don't know. I only wrote down the death of each. I suppose it would throw them, from the dates, some where about two years.
Q How long after the Creek Land Office opened until you filed for yourself? A When the Locaters were here. I had selected land for Leah but another man named Mose Riley taken the claim and I told the Commissioners if they would return me that piece of land I would file for her and I refused to take land for her.
Q Have you heretofore made an attempt to enroll either Leah or Minnie or both of them and select land for them as citizens of the Creek Nation? A I prepared an affidavit on the two with those Commissioners and I never have heard whether they had filed my children or not and I wrote to them not long ago to tel me what was done about filing my children. I got a reply stating that they didn't know the town my children belonged to and if I would correct that my children could file.

Loch and Minnie Red--5.

Thomas Red witness:

By Commission:

Q Did your children have any other name except Red? A No.

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I, D. C. Skaggs, on oath, state that the above and foregoing is awfull, true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 9th day of August, 1904.

Wm G Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 10, 1904.

Suplemental Testimony in the matter of the application for the enrollment of Minnie and Leah Red as citizens by blood of the Creek Nation.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

THOMAS RED, being duly sworn, testified as follows:
Through Alex Posey Official Interpreter:
By Commission:

Q What is your name? A Thomas Red.
Q What is your age? A Forty-two.
Q What is your post office address? A Wasson.
Q How old was Minnie Red when she died? A Not quite three months old.
Q How old was Leah? A Not quite four.
Q What is the name of the munther of these children? A Martha Red.
Q Is she living? A Dead. She went to her brother and has never returned.
Q Where was her brother. Where did he live? A Near Red Fork.

The records of the Commission examined and it appears that Thomas Red is listed for enrollment on Creek Indian Card, Field No. 3257, and that his name is contained in the partial list of Creek Citizens by blood approved by the Secretary of the Interior March 28, 1902, No. 8496.

It also appears from the records of the Commission that Martha Red is listed for enrollment on Creek Indian Card, Field No. 2019, and that her name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 28, 1902, No. 8138.

Q Leah was born after the last payment was she? A Yes, sir.
Q In you testimony heretofore submitted you referred to a book in which you made a record of the death of these children have you that book with you? A I have the book with me.
Q Does this entry refer to the death of these children? A The record of the death. I made no record of the date of the birth.

The entries referred to are written in Creek and are passed to the official interpreter for interpretation, which he translates as follows:

"Wasson, I. T. Leah Red parted from this world Aug. 23, 1899."

"Wasson, I. T. Nene Red parted from this world February 2, 1901."

Q When did you make this entry about Minnie? A About a week after the deaths of Leah and Minnie.
Q Who was present when Leah was born? A An old lady living in Fialigee Town of the name of Nipakogee.
Q Can you get her to make an affidavit about the birth of the child? A I suppose I would have no difficulty in getting her to testify in the case but she is ill at this time and has been for a good while, being in bed and not able to get up.
Q Can't you get Martha to execute an affidavit giving the birth of Leah? A I suppose she would but she lives up at Red Fork.

Depo.
Minnie and Leah Red---S.

Affidavits relative to the deaths of Leah and Minnie Red are made part of the record herein.

------:O:------

I, Drennan C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 27 day of August, 1904.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Eufaula, I.T. April 19,1905.

In the matter o the application for the enrollment of Minnie and Leah Red, both deceased, as citizens of the Creek Nation.

Additional Testimony.

Jackson Lewis, being duly sworn, testified as follows: Through Official Interpreter, Alex Posey.

Examination by the Commission:
Q What is your name? Jackson Lewis.
Q What is your age? 33.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes sir. I am a citizen of Eufaula Canadian Town.
Q Do you know Thomas and Martha Red? A Yes sir.
Q Where did they live? A Near Tillabee Church house.
Q Are they living together now? They are separated, the woman ran off from the husband.
Q Did you know their children, Minnie and Leah Red? A Yes sir, they are both dead.
Q When did they die? A The youngest child died August, 1898. I made the coffin for it--I know the names but I don't know which was the oldest.
Q About how old was that oldest child, who died in August, 1898?
A The child was just beginning talk and walk.
Q Are you positive it died in 1898? A Yes sir.
Q When did the other one die? A I cannot state positively.
Q Can you tell how long it was after the death of the other one, a few days, weeks months or what? A About three years.
Q Do you mean to state that when the child died it was about the year 1901? A Yes sir.
Q About how old was that child when it died? A The child was running about, I don't know how old it was.
Q Do you know what month it was that oldest one died in, or the season? A No sir.
Q Do you know when the Creek Land Office opened? A Yes sir.
Q Was this oldest one living then? A I do not now remember.
Q Do you know positively that the youngest one died before the Land Office opened? A Yes sir.
Q You are sure a made a coffin for one of these children in August 1898? A Yes sir.
Q And you think that was the youngest one but you don't know whether it was Leah or Minnie? A No sir.

Henry G. Haines, being duly sworn, on his oath, states that the above and foregoing is a true and correct transcript of his stenographic notes as taken in said cause on said date.

Henry G. Haines

Subscribed and sworn to before me this 10th day of May, 1905.

Notary Public.

Cr En 578

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 29, 1905

In the matter of the application for the enrollment of Leah and Minnie Red (both deceased) as Creeks.

Winey Jessie, being duly sworn, testified as follows:
(Mrs. Merrick, Official interpreter)

EXAMINATION BY THE COMMISSION:
Q What is your name? A Winey Jessie.
Q How old are you? A I don't know.

Witness appears to be about 50.

Q What is your postoffice address? A Hannah.
Q Did you attend on Martha Red, wife of Thomas Red, at the birth of a child that she calls Minnie? A I waited on Leah.
Q You did not wait on her when Minnie was born? A No sir.
Q When was Leah born, do you remember? A Leah was born on New Year's night, I believe three years ago; I am not sure of it.
Q Is Leah dead now? A Yes sir.
Q How long ago did she die, do you know? A She's been dead about four years, I think.
Q How old was she when she died? A She was about so tall (indicating about two feet from the floor); she was just beginning to walk.
Q Do you remember when the land office opened in Muskogee? do you remember the circumstance? A I remember hearing the Indians filing.
Q Did Leah die before or after the Indians began filing? A I believe she died after the land office opened.
Q Do you remember what time of the year it was she Leah died--whether it was winter, spring or summer? A She died when it was cold.
Q How near did you live to Thomas and Martha and when Leah died? A Right in sight; within a quarter of a mile.
Q Did you know Minnie? A Yes sir.
Q How long after Leah before Minnie died? A Quite a little while after Leah died.
Q What time of the year was it--winter, spring or summer when Minnie died? A I don't remember.
Q About how old was Minnie when she died? A Quite a little baby; she was not crawling.
Q Are you sure that it was cold weather when Leah died? I think she died in the winter.
Thomas Red, in his testimony, says that Leah died in the month of August or middle of September and that Minnie died in February in the winter time; do you think that Leah died in the winter? A I may be mistaken, but I believe that Leah died in the winter time.
Q Do you think that Leah died after the land office opened?

A I don't know.
Q Where is Martha living now, do you know? A Lives out about Red Fork.
Q Is Martha married to another man now? A Yes, sir, she is married.

INDIAN TERRITORY, Western District.
I, J. Y. Miller, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

J. Y. Miller

Sworn to and subscribed before me this the 27 day of June, 1905.

Edward Suesel
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 1, 1905.

In the matter of the application for the enrollment of Minnie and Leah Red as citizens by blood of the Creek Nation.

Martha Naharkey, being duly sworn, testified as follows (through Jesse McDermott, Official Interpreter):

EXAMINATION BY THE COMMISSIONER:
Q What is your name? A Martha Naharkey.
Q How old are you? A 28.
Q What is your postoffice address? A Red Fork.
Q Are you a citizen of the Creek Nation? A Yes, I am.

Witness is identified as Martha Red, on Creek Indian card, field No. 2519, opposite Roll No. 8136.

Q Are you the one not enrolled as Martha Red? A Yes sir.
Q What is the name of your father? A Mack Hilow.
Q The name of your mother? A I don't know.
Q Did you have two children by the names Minnie and Leah Red? A Yes sir.
Q What is the name of their father? A Thomas Chardy. (Explanation by the interpreter: Chardy means "red").
Q And her is she had a child named Foxie? A Yes.
Q Is he living? A Yes sir.
Q Are these two children, Minnie and Leah Red, living? A No, they are dead.
Q When did Leah die? A Died in August.
Q [illegible] A [illegible] August. It was [illegible] to have been warm.
Q What year? A I [illegible] not [illegible].
Q We have one witness who testifies that he thinks she died after the land office opened; and your husband, Thomas Red, the father of the child, testified that it was in August, '99, and then [illegible] testified that it died in 1898; said he was positive of it--in August, 1898. Which do you think is correct, '98 or '99? A I had both of these children when they were filing, but I could not come in to file, and they died in the meantime.
Q [illegible] it must have been after the land office opened when Leah died. A Yes, they commenced filing.
Q [illegible] A [illegible] about one year and half old.
Q [illegible] months old; [illegible] account for that. A [illegible] that [illegible] three months old.
Q When was Leah born? A Born in October.
Q [illegible] A I don't know.
Q [illegible] born in October about a year and half before she died. A [illegible] two years old.
Q [illegible] born in October, lived [illegible] the next October and died [illegible] the other October--after that. A Yes [illegible].
Q Leah was never living at the time when Minnie was living, was she? A Leah was dead when Minnie was born.

Q When did Minnie die? A I don't know what year; in February.
Q How old was Minnie when she died? A She was not three months old.
Q When was she born? what month? A Born in December.
Q She was born in December and died in February, following, did she? A Yes sir.
Q Have you any record--did you write down anywhere about the birth and death of these two children? A I haven't them with me, but there was some records at Millaboc; possibly they have them down there.
Q Ask her if she knows who has them; she can get them when she goes out there. A Thomas Chardy or Rod has the records.
Q Tell her that we have examined Thomas Red about that record and examination shows that Leah Red died August 23, 1899; is that correct? A Yes sir.
Q And it also says that Mene Red died February 9, 1901; is that correct? A Yes sir.
Q Jackson Lewis, do you know him? A Yes sir.
Q Jackson Lewis, that your child, Leah Red, died in August, '98. A It was after the land Office opened, because they were filing on the land.
Q Tell her that Jackson Lewis said that the youngest one--that Minnie died about three years after the ~~xxxxx~~ other one; 1901--three years before that is 1898. A No, it was not that long.
Q How long after Leah died was it that Minnie was born? A It was about a year--it might have been a little over, I think it was about a year.

INDIAN TERRITORY, Western District.

I, J. Y. Miller, a stenographer to the Commissioner to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete translation of my notes as same appear in my stenographic report of this case.

J. Y. Miller

Sworn to and subscribed before me this the 2nd day of December, 1901.

Notary Public.

En.578

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Leah Red, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on July 20, 1904, Thomas Red appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his deceased minor children, Leah Red and Minnie Red, as citizens by blood of the Creek Nation. Further proceedings were had August 10, 1904, April 19, 1905, May 29, 1905, and December 1, 1905.

The application for the enrollment of Minnie Red, deceased, will be considered in a separate decision.

The evidence shows that said Leah Red, deceased, was the minor child of Thomas Red and of Martha Red (now called Martha Naharkey) and that the names of said Thomas Red and Martha Red are contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior March 28, 1902, opposite Nos. 8496 and 8138, respectively.

The evidence further shows that said Leah Red, deceased, was born prior to April 1, 1899, and that she died August 23, 1899.

It is, therefore, ordered and adjudged that said Leah Red is entitled to be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats.,495) and March 1, 1901 (31 Stats.,861) and the application for her enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory,

JAN 2 1906

En.578

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Leah Red, deceased, and Minnie Red, deceased, as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 20, 1904, Thomas Red appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of his two minor children, Leah Red, deceased, and Minnie Red, deceased, as citizens by blood of the Creek Nation.

The evidence shows that said Leah Red, deceased, and Minnie Red, deceased, were the minor children of Thomas and Martha Red and that the names of said Thomas and Martha Red are found in the partial list of Creek Citizens by blood approved by the Secretary of the Interior March 28, 1902, Roll Nos. 8496 and 8138, respectively.

The evidence further shows that said Leah Red, deceased, was born prior to April 1, 1899, and died August 23, 1899, and that said Minnie Red, deceased, was born in the month of November 1900, and died February 9, 1901.

It is, therefore, the opinion of this Commission that said Leah Red, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the acts of Congress June 28, 1898 (30 Stats., 495), and March 1, 1901, (31 Stats., 861), and it is so ordered.

It is, furthermore, the opinion of this Commission that there is no authority of law for the enrollment of Minnie Red, deceased, as a citizen by blood of the Creek Nation and that the application for her enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

_____
Chairman

_____
Commissioner

Muskogee, Indian Territory

_____
Commissioner

_____

En.578.

I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Red, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on July 20, 1904, Thomas Red appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of his deceased minor children, Leah Red and Minnie Red, as citizens by blood of the Creek Nation. Further proceedings were had August 10, 1904, April 19, 1905, May 29, 1905, and December 1, 1905.

The application for the enrollment of said Leah Red will be considered in a separate decision.

The evidence shows that said Minnie Red, deceased, was born subsequent to July 1, 1900, and that she died February 9, 1901.

It is, therefore, ordered and adjudged that there is no authority of law for the enrollment of said Minnie Red, deceased, as a citizen by blood of the Creek Nation and the application for her enrollment as such is accordingly denied.

Commissioner.

Muskogee, Indian Territory,

JAN 2 1906

3913

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDEEN.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Creek Enr. 328

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 10, 1904.

Martha Red,

Redfork, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your deceased child, Leah Red, there are inclosed blank forms of birth and death affidavits, which you are requested to fill out, giving the dates of birth and death of said Leah Red. The affidavits should then be duly executed before an officer authorized to administer oaths, and returned to the Commission in the inclosed envelope which requires no postage.

Respectfully,

Chairman.

1 D.A.

1 B.A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 22, 1904.

Martha Red,

Tulsa, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of your deceased child, Leah Red, there are inclosed blank forms of birth and death affidavits, which you are requested to fill out, giving the dates of birth and death of said Leah Red. The affidavits should then be duly executed before an officer authorized to administer oaths, and returned to the Commission in the inclosed envelope which requires no postage.

Respectfully,

Chairman.

1 D.A.

1 B.A.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cr Rm 579

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 26, 1906.

Martha Mahaffey,

Tulsa, Indian Territory.

Dear Madam:

The Commission desires further evidence in the matter of the application for the enrollment of your deceased minor children, Leah and Minnie Red, as citizens of the Creek Nation.

There are herewith enclosed blank forms of birth and death affidavits, which you are requested to fill out and properly execute before some officer authorized to administer oaths, and return same to the Commission in the enclosed envelope.

You are hereby advised that you are required to appear in person before the Commission, at its office, in Muskogee, Indian Territory, within thirty days from date, for the purpose of testifying under oath.

Respectfully,

Chairman.

Register.

R D A,
R D A

Returned unclaimed

Cr.En. 578.

Muskogee, Indian Territory, July 7,1905.

Thomas Red,

Hanna, Indian Territory.

Dear Sir:

Further evidence is desired in the matter of the application for the enrollment of your deceased children, Leah and Minnie Red, as citizens by blood of the Creek Nation.

There archerewith enclosed blank forms of birth and death affidavits which you are requested to have executed by your former wife, Martha Naharkey.

You are advised that several letters addressed to said Martha Naharkey at various post office addresses suggested by you, have been returned unclaimed, and that her affidavits in regard to the dates of the birth and death of said children must be filed before a decision can be rendered in the case.

Respectfully,

2 BA
2 DA.

Commissioner.

Cr En 378

Muskogee, Indian Territory, August 9, 1905.

Martha Mahaffey,

Care of William J. Brown.

Dear Madam:

There is herewith enclosed blank forms of birth and death affidavits, which you are requested to execute, giving the exact dates of the births and deaths of your minor children, Minnie Red and Leah Red. After executing said affidavits, you will return same to William J. Brown to be forwarded to this Office.

Respectfully,

Acting Commissioner.

H3N

REFER IN REPLY TO THE FOLLOWING:
Cr En 678

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 17, 1905.

Martha Meharkey,
Care of William J. Brown,
Tulsa, Indian Territory.

Dear Madam:

Receipt is acknowledged of affidavits executed by you relative to the deaths of your minor children, Minnie and Leah Red, for whose enrollment as citizens by blood of the Creek Nation application is now pending before this Office.

There are herewith enclosed two blank forms of birth affidavit, which you are requested to execute, giving the exact dates of the births of said children, and return same to this Office in the enclosed envelope.

This matter should receive your prompt attention.

Respectfully,

W. C. Brann

Acting Commissioner.

2 B A
Register.

Cr En 578

Muskogee, Indian Territory, September 18, 1905.

Martha A. Wahrkey,
Care of William O. Bruner,
Tulsa, Indian Territory.

Dear Madam:

There are herewith enclosed two blank forms of birth affidavit in the matter of the application for the enrollment of your minor children,Leah Rod and Minnie Rod, as citizens of the Creek Nation. In having the affidavits executed, care should be taken to see that all names are written in full, all blanks properly filled out, and in the event that the person signing an affidavit is unable to write and signature is made by mark, the same must be attested by two disinterested witnesses who can write. The notary public must sign and seal each separate affidavit. When executed, return the affidavits in the enclosed envelope.

Respectfully,

Acting Commissioner.

2 B A

Cr En 578

Muskogee, Indian Territory, January 13, 1906,

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Leah Red, deceased, as a citizen by blood of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of said Leah Red, deceased, and if, at the expiration of said time, no protest has been filed, said Leah Red, deceased, will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

JYM-13-16

Refer in reply to the following: COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington. May 15, 1906.

LAND.
10991-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 30, 1906, transmitting the record of the application for enrollment as a citizen by blood of the Creek Nation of Minnie Red, deceased.

January 12, 1906, the Commissioner decided adversely to the application.

The record shows that Minnie Red was born subsequent to July 1, 1900 and that she died February 9, 1901.

In view of the record and of Section 28 of the act of March 1, 1901 (31 Stats.,861), the approval of the Commissioner's decision adverse to the application is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

COPY
C

No.20249. GR.LRS.LLB.

DEPARTMENT OF THE INTERIOR,

I.T.D.8736-1906. WASHINGTON, May 19,1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

You are requested to forward immediately the record and your decision thereunder in the matter of the application of Thomas Red for the enrollment of his infant child, Leah Red, deceased, as a citizen by blood of the Creek Nation, for consideration in connection with the same application for the enrollment of Minnie Red, ~~deceased~~, both being deceased children of the same applicant, Thomas Red.

The Department sees no good reason why a separate decision should be rendered in these cases and your opinion forwarded in one case and withheld in the other. Hereafter you are requested to include in your decision the application for the enrollment of all persons claiming to be members of the same family where one application is made for their enrollment, as you claim to have done in the alleged consolidated applications of Charlotte Hemmett and Lizzie Whitby, subjects of a separate departmental letter of this date.

The Department is unwilling to make separate reviews in those cases where one record should suffice. The Department desires that the entire record in such cases be considered in order

to more effectually elicit the truth from the comflicting statements and thus minimizing the record as well as avoiding confusion and error.

Respectfully,

(Signed) Jesse E.Wilson,

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, May 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter, under date of May 19, 1906 (I.T.D.8736-1906), requesting that the record and decision thereunder in the matter of the application for the enrollment of Leah Red, deceased, as a citizen by blood of the Creek Nation be forwarded for consid-ration in connection with the application for the enrollment of Minnie Red, deceased, both being deceased children of the same applicant, Thomas Red. It is stated in said communication that "the Department sees no good reason why a separate decision should be rendered in this case" and this office is requested to include in decisions the application for enrollment of all persons claiming to be members of the same family where one application is made for their en-

Secretary S.

rollment.

In reply I have the honor to advise that the records of this office show that in the matter of the application for the enrollment of Leah Red and Minnie Red, both deceased, as citizens by blood of the Creek Nation, decisions were prepared under date of January 12, 1906, one denying the application for the enrollment of Minnie Red, deceased, which said decision was forwarded to the Department, together with the record in the case, on January 30, 1906; the other granting the application for the enrollment of Leah Red, deceased, which said decision, together with copy of record in the case, is now before the Commissioner and that the name of Leah Red has been listed upon a partial schedule of citizens by blood of the Creek Nation, to be forwarded to the Department for approval.

I beg leave to advise that the previous practice of the Commissioner, in cases of a like nature, has been adhered to in this instance; that it has not been the practice of this office to forward the record in cases where applicants are clearly entitled to enrollment except in cases wherein the attorney for the nation has filed

protest.

Reference is made to the Creek enrollment case of Hester Walker, et al. in which the Department, under date of February 1, 1906 (I.T.D.1340-1906), concurred in recommendation of the Commissioner that the case of Lewis Isaac be severed from that of Hester Walker, the right to enrollment of Lewis Isaac being clear and not dependent in any way upon the right to enrollment of his mother, Hester Walker. It has been considered by this office that in like cases the withholding of the names of applicants who are entitled to citizenship rights from the schedules which are to be forwarded for approval, on account of the names of such applicants being incorporated in an application where other parties applicant are clearly not entitled would work a hardship to the applicants who are entitled, on account of the delay occasioned in disposing of such cases after transmission to the Department.

The record now before the Department in the matter of the application for the enrollment of Minnie Red, deceased, as a citizen by blood of the Creek Nation, is identical with and the same as the record on file in this office in the matter of the application for the enroll-

Secretary 4.

ment of Leah Red, deceased.

Respectfully,

Through the
Commissioner of Indian Affairs. Commissioner.

I.T.D.8736,10702-1906.
LRS

DEPARTMENT OF THE INTERIOR, LLB GR
Washington. June 16, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of May 15, 1906, your decision of January 12, 1906, denying the application for the enrollment as a citizen by blood of the Creek Nation of Minnie Red, shown to have been born subsequent to July 1, 1900, and who was not living on May 25, 1901, is hereby affirmed.

The Department accepts your statement made on May 29, 1906, relative to the separation of the application for the enrollment of Leah Red, deceased, for whose enrollment application was made at the same time that application was made for the enrollment of Minnie Red, deceased.

A copy of Indian Office letter of May 15, 1906, is inclosed.

Respectfully,

Jesse E. Wilson
Assistant Secretary

1 inclosure.

Cr.No.978.

Muskogee, Indian Territory, June 23, 1906.

Martha Moberley,
Red Fork, Indian Territory.

Dear Madam:

You are hereby advised that the name of your minor child, Leah Red, deceased, is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16, 1906, and that a selection of land in the Creek Nation may now be made for her by the administrator, at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

Gdm.
678.

Muskogee, Indian Territory, June 26, 1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 16, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of Minnie Red, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, June 25, 1906.

Martha Waharkey,

Redfork, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 16, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of Minnie Red, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

Or.En.
578.

Muskogee, Indian Territory, June 25, 1906.

Thomas Red,

Hasson, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 16, 1906, affirmed the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1906, denying the application for the enrollment of Minnie Red, deceased, as a citizen by blood of the Creek Nation.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

No. 878.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 30, 1906.

Martha Red,

Eufaula, Indian Territory.

Dear Madam:-

In the matter of the application for the enrollment of your deceased children, Leah and Minnie Red, there are inclosed blank forms of birth and death affidavits which you are requested to fill out, giving the dates of birth and death of said children. The affidavits should then be duly executed before an officer authorized to administer oaths, and returned to the Commission in the inclosed envelope.

Respectfully,

Chairman.

2-D.A. & 2-B.A.

Cr No 878

Muskogee, Indian Territory, January 30, 1906.

Martha Mahaffey,

Redfork, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of your minor child, Minnie Red, deceased, as a citizen by blood of the Creek Nation, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this Office is informed of the same.

Respectfully,

Acting Commissioner.

JYM-15-10

Cr.Bn. 878.

Muskogee, Indian Territory, January 30, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

There is herewith transmitted the record and proceedings in the matter of the application for the enrollment of Minnie Red, deceased, as a citizen by blood of the Creek Nation, including the decision of the Commissioner to the Five Civilized Tribes dated January 18, 1906.

Respectfully,

Wm. O. Beall.

Acting Commissioner.

Through the Commissioner of Indian Affairs.

1 inclosure.

Cr Ex 578

Muskogee, Indian Territory, January 30, 1906.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes, in the matter of the application for the enrollment of Minnie Red, deceased, as a citizen by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the same, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Acting Commissioner.

JYM-15-11

CR EU 529

CR EU 529

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JUNE 27, 1904.

In the matter of the application for the enrollment of Hotulke Emarthla as a citizen of the Creek Nation.

I. 3841

Thomas McWilliam being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Thomas McWilliam.
Q What is your age? A I don't know exactly; about 60 I guess.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation, Okahiya town? A Yes.
Q Have you held official positions in the Creek Nation? A Yes, in House of Kings and House of Warriors.
Q Do you know Hotulke Emarthla? A Yes sir.
Q Is he living? A No.Dead.
Q Know when he died? A I think he died it has been 4 or 5 years.
Q How long after the '96 payment? A It musthave been 3 or 4 years after that.
Q Did he ever belong to the Snake Faction? A Not as I know of.
Q Do you know whether he died before the Creek Land Office opened? A Yes.
Q Before people began to file? A Yes I think he died before that.
Q Do you know how long? A No sir; it wasn't very long till the land office was opened.
Q Did he die in that smallpox epidemic when it was so bad out in the western part of the Creek Nation? A There was some doctors out here that was gathering up people and had them come up to this if they had smallpox; he was living then I think.
Q Who would be able to say positively about his death? A His son, Wiley Buckner; he is an officer of the town now.
Q What is his post office? A I don't know which one is nearest to him;he lives out to Okahiya town; Hasson I guess.

Henry G. Mains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Mains

Subscribed and sworn to before me this 7th day of July, 1904.

My commission expires January 10th 1908.

H.C. Martin Jr.
Notary Public.

C-3841.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hasson, I. T., July 19, 1904.

In the matter of the application for the enrollment of Hotulke Emarthla as a citizen by blood of the Creek Nation.

WILEY BUCKNER, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Wiley Buckner.
Q What is your age? A Forty-five years old.
Q What is your post office address? A Hasson, I. T.
Q Are you a citizen of the Creek Nation of Okchiye Town? A Yes, sir.
Q Are you a member of the House of Kings? A Yes, sir.
Q Did you know Hotulke Emarthla? A Yes, sir.
Q What relation was he of yours? A My father.
Q He is dead is he not? A Yes, sir.
Q Do you know the date of his death? A 19th of November, 1899.
Q Did you make a trip to his grave and copy the writing on the head-board? A I went there but didn't copy it because I found it was different from the statement I had made. It was in 1899 instead of 1900 and I didn't think it was worth while to copy it. I supposed he had died within a certain time and if he had died in the time I supposed he had I know it would be necessary to take the copy of the date on the board but when I examined the head-board I found it to be in 1899 and knew it was useless to copy it. But the date of the month was just what I had given it.
Q Are you sure of the date of the death as you have stated it? A Yes, sir. In my memory I stated it different from what was on the board and when I examined it I found it was in 1899.
Q Are you sure the head board states that Hotulke Emarthla died in November 1899? A There is a little flaw in the head board and I found on the foot-bo ard the date of the month, November 19, and on the head-of the board there is writing but I can't tell you exactly what it is but John Bruner knew positively the time he died and he states it was in 1899. And in my examination I found this and think it is as correct as I can get it.
Q Does the head-board clearly show the month and year? A On the head-board it is just 19 and on the other it is written without the date of the year but John Bruner knows just exactly what it is. I don't know whether he has a record or not but he knows it was that time and I just accepted it. I knew it was November 19, and supposed it was 1900 but John Bruner knows all about it and said it was in 1899.

--oooOOOooo--

I, D. C. Skaggs, on oath, state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this August 6, 1904.

W. J. Martin Jr.
Notary Public.

C-3841.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hasson, I. T., July 22, 1904.

In the matter of the application for the enrollment of Hotulke Emarthla as a citizen by blood of the Creek Nation.

JOHN BRUNER, being duly sworn, testified as follows:

Partly through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A John Bruner.
Q How old are you? A About 53.
Q What is your post office address? A Hasson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Weogufke.
Q Do you hold any official position in the Creek Nation? A Yes, sir. A member of the House of Warriors, Weogufke Town.
Q Do you know Hotulke Emarthla? A Yes, sir.
Q Do you know the date of his death? A Yes, sir.
Q State it? A November 19, 1899.
Q Have you a record of the date of his death? A I made no record of it but me and my wife waited on him until her died and I know the date but made no record.
Q Was Hotulke Emarthla a member of the Church? A No, sir.
Q Where is he buried? A Buried at his home place.
Q What town did Hotulke Emarthla belong to? A Okchiye.
Q How is it you remember the exact date of Hotulke Emarthla's death? A He was very sick and sent word to my wife. She is a niece of the old man and she went there. He was very sick. And stayed with him all day and he died that day. I knew the time because we had an almanac and I can read them. I knew the time any way. Portor had already been elected before that and would be seated in December and the old man said he would go to the Inauguration but he died in the same year before the time.
Q As I understand you now your wife was a niece of Hotulke Emarthla? A Yes, sir.
Q She was sent for and you and your wife went there and stayed with him all day and he died the same night? A It was that evening. Sometime after 12.
Q Did Hotulke Emarthla die after Porter was elected the time you refer to? A Yes, sir.
Q And Hotulke Emarthla was planing to go Portor's Inauguration? A Yes, sir.
Q That would have been in December? A Yes, sir.
Q That was when Portor was elected Chief of the Creek Nation the first time was it? A Yes, sir.

------:0:------

I, D. C. Skaggs, on oath state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 2nd day of August, 1904.

W. T. Martin Jr.
Notary Public.

7019

En. 879.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Hotulke Emarthla as a citizen by blood of the Creek Nation.

S T A T E M E N T.

The 1890 Authenticated Tribal Roll of the Creek Nation examined and Hotulke Emarthla identified thereon at Page 178, Okchiye Town, as Hotulgee Marthlar.

The 1896 Pay Roll of the Creek Nation examined and Hotulke Emarthla identified thereon at No. 1, Okchiye Town.

Commissioner.

Dated at Muskogee, Indian Territory,
this 19 day of August, 1904.

J.H.G.

En. 579.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-161-

In the matter of the application for the enrollment of Hotulke Emarthla, deceased, as a citizen by blood of the Creek Nation.

-D E C I S I O N :-

The record in this case shows that on June 27, 1904, Thomas McWilliam appeared before the Commission at Eufaula, Indian Territory, and submitted evidence relative to the right of enrollment of Hotulke Emarthla, deceased, as a citizen by blood of the Creek Nation.

Further proceedings in the matter of said application were had July 19, July 22, and August 19, 1904.

The evidence shows that said Hotulke Emarthla, deceased, is identified on the 1890 authenticated tribal roll of the Creek nation, and on the 1895 pay-roll of the Creek Nation, and that he died November 19, 1899.

It is, therefore, the opinion of the Commission that said Hotulke Emarthla, deceased, should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the Act of Congress, June 28, 1898 (30 Stat. 495) and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

FEB 8 - 1905

Creek Ap 679

Muskogee, Indian Territory, February 6, 1906.

H. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Hotulke Emarthla (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Hotulke Emarthla (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

JY:-6-61.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENTINE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cr.An.579.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 15, 1905.

Hotulke Emarthla,

Wanna, Indian Territory.

Dear Sir:

You are advised that the name of yourself is contained in the partial list of Creek citizens, approved by the Secretary of the Interior April 6, 1904, and that application for a selection of land in the Creek Nation may now be made for yourself at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

CA BSU SBC

BSU SBC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. JULY 22, 1904.

In the matter of the application for the enrollment of Chicago Smith, deceased, as a Creek freedman.

Zora Smith being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Zora Smith.
Q How old are you? A I don't really know.
Q About??A About 20.
Q What is your post office address? A Clarksville.
Q Are you,a citizen,of the Creek Nation? A Cherokee Nation.
Q Have you been enrolled as a Cherokee? A Yes sir.
Q Have you got your land? A No sir, I haven't picked it yet.
Q Do you make application for the enrollment of Chicago Smith as a Creek Freedman? A Yes sir, that's what I am doing now.
Q Is that a boy or girl? A Boy.
Q Living or dead? A He is dead.
Q What is the name of his father? A Sandy Smith.
Q Is Sandy Smith a citizen of the Creek Nation? A Yes sir.
Q What was the name of Sandy's father? A Harry Smith.
Q What was the name of his mother? A Lucy Smith.

The records of the Commission are examined and Sandy Smith it appears is identified thereon on Creek Freed card Field No. 1039 and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 28, 1902,,No. 3916.

Q Are you the mother of Chicago Smith? A Yes sir.
Q When was he born? A February I believe;it was after Christmas when he was born; cold weather.
Q What year? A Well, I can't tell, Mister,I don't know the dates of the month; I am not educated enough.
Q Do you know when he died? A In July.
Q The same year? A Yes sir, of the same year.
Q How old was he when he died? A Six months old.
Q How long has he been dead? A I don't really know how long he has been dead.
Q Did you have an child ren older than him? A No sir.
Q Was he your oldest child? A Yes sir, Chicago was the oldest.
Q Have you any child ren younger than him? A Yes sir, Benny-this baby.,
Q Is that the only one? A I only has two living; one's dead.
Q What is the name of your oldest child? A Chicago Smith.
Q What is the name of your next oldest child? A Benny Smith.
Q Is Benny living or dead? A Living.
Q When was he born? A In October.
Q How old is he? A Three years old.
Q Has he been enrolled as a citizen of the Cherokee Nation? A Yes sir.

Q What is the difference in the dates of birth of Chicago and Benny? How long was it after Chicago was born until Benny was born?
A It was a year and better.
Q Was it as much as two years? A No sir, I don't think it was.
Q How old is this child you have here with you? A He is already 7 months old;will be 8 the last of this month.
Q Was there any record made of the date of the birth of Chicago; was it written down in a book anywhere? A All I know his age was put down when he was born.
Q Who wrote that? A Ketch Harnett.
Q When did he write it? A The baby was living then.
Q How old was the boy when he wrote it? A About two month old I guess.
Q Who told him,the date to put down? A Papa told him to put his age down.
Q Were you living with your father at that time? A Yes sir.
Q Have you ever made application to have this child Chicago enrolled as a Cherokee? A No sir, I never have tried to put him on the roll at all.
Q Were you and Sandy Smith married? A Yes sir.
Q Got a license? A Yes sir.
Q There? A Up here at the court house.
Q Have you the license with you? A No sir.
Q Have you the license at home? A No sir, I don't know whether it is or not but it is on record here at the court house.
Q What became of the license? A It got misplaced some way.

The applicant is advised that the Commission requires that she file the original license or a certified copy of the same in this case.

Wesley Warner being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Wesley Warner.
Q How old are you? A Going on 51 years old.
Q What is your post office address? A Clarksville.
Q Do you know Sandy Smith? A Yes sir.
Q Know his wife, Zora? A Yes sir.
Q Is Zora your daughter? A Yes sir.
Q Does she live with you? A Yes sir.
Q Has she lived with you all her life? A Yes sir. They did move off for a while but before their first child was born they moved back and have been there ever since.
Q Did they have a child named Chicago? A Yes sir.
Q When were Sandy and Zora married? A I don't know just the date when they were married but it was along about 1908.
Q Did they get a license? A Yes, they came and got the license.
Q Were you present when they married? A No sir.
Q This child was born after they were married? A Yes sir.
Q They were living together when the child was born? A Yes sir.
Q When was that child born? A 1910.
Q What month? A February.
Q What day of the month, do you know? A On the 4th.
Q The child is dead, is it? A Yes sir.
Q When did it die? A July of the same year.
Q They have a child named Ben? A Yes sir.

Q When was he born? A In 1901, I think.
Q How old is Benny? A Benny will be 2 or 3 years old this coming October.
Q He will be three years old this next October? A Yes sir.
Q When is it you say-- what month did Chicago die? A July.
Q What day of the month? A I don't know; I don't remember what day of t e month he died on; I know it was in July;I attended a meeting.
Q Do you read and write? A No sir, just write a little;can't read none
Q Did anybody write down in a book about the birth of Chicago Smith?
A Yes sir;wife got Ketch Barnet to put his name down and birth.
Q How long after he was bor that you put that down? A I don't think it was over a mnth or a month and a half or two I ~~did~~not particularly notice how old he was then, but his mother was up and stirring around.
Q Who told him the date to put down there? A I don't thin he had anybody to correct him on that;but he was there off and on all the time
Q Who told him the date of the child's birth? A I told him t at.
Q What did he write it in? A I don't know.
Q What kind of a book ~~did~~,he write it in ? A That book there.
Q Tell what it is? A The Bible.
Q Is this the Bible that you,presented here t me? A Yes sir.
Q Now, how old do you say Benny Smith will be n xt October? A My thourhts about him is that he will be three years old this coming October but I might be mistaken.

APPEARANCE: W. L. Mott, Attorney for Creek Nation.

Zora Smith recalled:

Examination by Commission:

Q How old will Benny be next October? A To my recollection I thought he would be four years old;I thought he was already three.

Wesley Warner recalled:

By the Commission:

Q How long was it from the time Chicaro was born until Benny was born-about? A A year or a year and a half-between them.
Q Was there written in that Bible also an entry in regard to the birth of Benny? A No sir, Benny's wasn't put down until he was born.
Q Was there one put down after he was born about Benny? A Well, Chicago was older than Benny;Chicago was there alone;then Benny was written after he was born.
Q Who wrote that in there about Benny? A His father.

Nancy Coleman being called and sworn testified as follows:

Examination by the Commission:
Q What is your name? A Nancy Coleman.
Q How old are you? A I don't know sir.
Q About how old? A I can't tell you. (Appears to be about 35 or 40).
Q What is your post office adress? A Tallaha see.
Are you a citizen of the Creek Nation? Yes sir.

Q Have you any children? A None;I have step-children, though.
Q Do you know Sandy Smith? A Yes sir.
Q Do you know his wife, Zora? A Yes sir.
Q How far do they live from you? A A good ways from me;about 4 or 5 miles from me.
Q Do you know a child of theirs named Chicago? A Yes sir.
Q Is that child living or dead? A Dead.
Q Were you present when the child was born? A Yes sir, I waited on him.
Q Do you know the date he was born? A No sir, I can't tell, but it was in the winter; I can't tell the date.
Q Do you know how long it has been since the child was born? A No sir I can't tell you that.
Q How long did the child live? A Six months.
Q Did you know a child of theirs named Benny? A Yes sir.
Q Were you present when Benny was born? A Yes sir, I was there when Benny was born;I was with him.
Q Do you know the date Benny was born? A No sir, I don't know.
Q How old is Benny now? A I don't know exactly how old he is;I can't tell you.

The Bible heretofore referred to contains the following entries under the head of births: "Chicago Smith born Feb 6, 1899. Ben Smith was born Oct 15, 1900. Harry Smith born March 9, 1904."

In Cherokee Freedman case #1163 there is found an affidavit executed April 24, 1901, by Zora Smith, in which it is stated that her child Benjamin Smith was born October 15, 1900; the corroborating affidavit was executed May 12, 1902 by Nancy Solomon, in which it is stated that said child was born October 15, 1900.

Examination by Mr. Mott:

Applicant recalled:

Q Why didn't you file this child in the Cherokee Nation when you filed? A I just never thought abot having him enrolled;it was far and it was in a hurry and we was so crowded.
Q Didn't you have two enrolled there? A No sir, just one.
Q Did you have one enrolled over there? A Didn't exactly get him enrolled over there for I had to get the midwife to swear to the child.
Q Have you a child enrolled in the Cherokee Nation? A Yes sir.
Q When did you do that? A Directly after I enrolled myself.
Q When was that? A When they was enrolling over at Ft. Gibson.
Q The child was dead when you enrolled yourself? A Yes sir.
Q And you enrolled yourself and another child? A Yes sir.
Q Why didn't you enroll this child then? A I just never thought about it
Q How old would the child have been then? A I just ---
Q How long after it was dead did you enroll? A I can't tell you; I just moved-- I don't know, sister, I can't count the days of the month.
Q You enrolled the one you did over there because you knew that the law required the child to be enrolled when you enrolled? A Yes sir.
Q You knew that was the law and you did? A Yes sir.
Q Then you knew if a child is dead it will not be enrolled it would have to be when you were? A Yes, but I never thought a yt in a hurry putting it down.
Q Why? You thought about the other one; why didn't you do it about this one? A I didn't have the money to get the dead child enrolled then. (Answer suggested by Mrs. Solomon).
Q Who told you you had to come over here to get a child enrolled? A Old me; I just heard that they could file now for a child that was dead and I come to see if I could file for my dead [illegible].

Q Didn't you know that everybody could file who was living in April, 1899;didn't you know that, now? A No sir, I didn't know.
Q Now, just think a minute; didn't you know and wasn't everybody knowing that anybody could file who was living on the 1st day of April, 1899; haven't you known that now? A Well, I don't know.
Q You don't know it now? A Yes I know it now; but I didn't know it then;I didn't know it before.
Q When did you learn it? A Here about a month ago- a little more I heard a woman say she was coming over here to have a baby's name put down and asked me if they was enrolling the children that was dead,and she said yes, if it was born in time.
Q And you say that you never knew and your husband never knew and that you never knew until a month ago that a child born and living on the 1st day of April 1899, although it was now dead, could be enrolled? A No sir, I didn't know.
Q Until a month ago? A No sir, I didn't know.
Q Do you know what day that child was born except by that Bible?
A No sir, cause I can't tell the days of the month.
Q Whose bible is that? A Papa's.
Q Is that your papa there? A Yes sir.
Q Who does he live with? A He lives at home.
Q With you? A I stays with him.
Q Have you always livedwit him? A Yes sir, I stayed wit myself a little while; me and my husband moved off a while.
Q Is your husband living wth you now? A Yes sir.
Q Both living with your father? A Yes sir.
Q Where were you living when Chicago was born? A I stayed wit my father.
Q Do you read and write? A No sir,I can't write nor read.
Q Can he? A No sir.
Q Who put that down? A A man by the name of Ketch Parnett.
Q When? A When the baby was living.
Q How come he to put it down? A Papa told him to put it down I think.
Q Did he put it down when he died when the baby was living? Who was this man that put that down-- is he a colored man? A Yes sir.
Q Does he live near you? A Yes he lives pretty close to us.
Q Whose book is this? A That's my father's.
Q Tell me who---- is there any entry on this book except your own family of birth and death? Anybody? A Not as I knows of.
Q Is your birth entered on this Bible? A I don't know.
Q Is his own entered on this Bible? A I don't know, Mister, cause all I can see is the writing.
Q Did you ever hear him say there was anybody else's besides the childrens'? A I didn't have no talk about it.
Q And didn't they put it down [illegible] solely for the reason that [illegible] Creek citizen and not entitled to rank as Freedmen? Just for that purpose? Not because you wanted to keep a full record? A No sir, we wasn't studying about that; we didn't [illegible].
Q Why isn't your name there? A [illegible] I don't know.
Q Well, why not? A If [illegible] about it.
Q Did you ask him to put the children's name down? A My father did.
Q Did he ask him to put your name down? A I don't know, I didn't hear it.
Q Well, yours is not down. I don't know.
A [illegible] children [illegible] and my brother.
Q Older or younger than you? A Younger.
Q Is he a Creek citizen? A Yes sir; [illegible] a Creek.

By the Commission:
Q [illegible]

By Mr. Mott:
Q Was this all put down at one time or different times? A Well, if it was I don't know it.
Q Don't know which? A You mean the baby's?
Q Ben Smith was born October 15, 1900;Harry Smith born March 9, 1904; Chicago Smith born Feb. 8, 1899. Was that put down the same day or different days? A No sir, Chicago's name was put down first, because that was the only one I had.
Q When was the others put down? A I think the father put it down. The father of these children.
Q Put down Ben and Harry? A Yes sir.
Q Your husband can write then, can he? A Yes sir.
Q Who put down Chicago? A Ketch Barnett.
Q Does he live there at your father's house? A No sir.
Q How far does he live from there? A About 2 miles or 2-1/2
Q Where was your husband when Ketch put Chicago down? A I don't know sir.
Q Did you send for Ketch to come and put it down? A No sir, he was just neighbors; just staying around;was reading the Bible.
Q Did he put this down while Chicago was living or dead? A When he was living.
Q Was your husband there when he put it down? A No sir.
Q Where was he? A I can't tell you.
Q Was he off for the day or for a trip? A I think he went up to Wagoner
Q Did he come home that night? A Yes sir.
Q And he went away that morning? A He went away like this morning and come back tonight.
Q And while he was up at Wagoner, like this morning, Ketch put that down; and then he come back that night? A Yes sir.
Q Which one was put down first, Chicago or Ben? A Chicago; I didn't have Ben then.
Q Who put Ben down? A Sandy.
Q That's your husband? A Yes sir.
Q Who put Harry down? A He must have put Ben and Harry's name down.
Q Did you see him do it? A No sir, but I heard him talking about putting Harry's and Ben's name down; I never seed it cause I can't read nor write.

Wesley Warner recalled:

By Mr. Mott:
Q Do you own this book? A Yes sir.
Q How long have you owned this book? A Seven or eight years I guess.
Q How long has your wife been dead? A About 12 years.
Q Why didn't you put your own birth in here? A Why, I don't know, I suppose I wasn't particular about it.
Q Why didn't you put your daughter in here, the mother of Chicago? A I have got her age and her mother's age in another Bible.
Q In another Bible? A Yes sir.
Q Where is that? A Which was carried off by a lady that I suppose lives at Wellington now.
Q When was that carried off? A Some 7 or 8 years I guess.
Q Well, after you had lost it in that Bible, your wife in cremation and her husband and her children in cremation, why didn't you put it in this one? A Why, she didn't have no children; I had her age all right in that book.
Q She had children when Chicago's name was put down? A Yes sir.
Q Why didn't you put her name down here then? A I never thought of it.
Q Isn't it customary in a family record to put the name of the parents down and then the children following? AYes, I suppose.

Q That would be the proper way to keep a record, wouldn't it? A That baby I just got him to put that down; of course his father could scratch a little and I would tell him the childrens' birth and tell him he ought to put the ages down in that Bible.
Q Well, this is your Bible? A Yes sir.
Q What did you want to put them down here for? A Kind of a memorandum.
Q For the information of the family? A Yes sir.
Q Well, isn't it customary to put the names of the father and the children following? A I told it was, but I neglected to put it down.
Q Why? A I wasn't particular about it;I have my childrens' ages down; they are at home.
Q Well, there was no reason for not putting the ages down-- you had done lost it 7 or 8 years ago. A No sir, its not lost-- the lady lives here at Wellington and I tried to get her to let me have it but her childrens' is there too.
Q Who wrote Chicago Smith's down? A Keto Burnett.
Q When did he write it? A In Chicago's life time; might have been a month and a half or two months-- I don't know exactly his age at that time but his mother was up.
Q Who wrote Benny Smith? A His father; I told him to put it down.
Q Did you see him write it? A No sir, but I know he done it.
Q How do you know? A Because there was nobody else there could write.
Q Is that the only reason you know it? A Yes sir.
Q Where was the father when this other man put down Chicago? Why didn't he put down Chicago? A This child's father was gone to Clarksville town and I was sitting reading the Bible and Keto Burnett was there and I said "put down this child's birth"for me Ketch" and he just just took the pencil and wrote it down.
Q When did the father go away? A He was gone the same day to Clarksville.
Q Had you not been reading the Bible before? A Why, to be sure.
Q Didn't you put this down here as a record to use in application for enrollment as an allotment? A No, I didn't.
Q You did not? A No sir.
Q Your only reason for putting this down was for the purpose of keeping a family history of the deaths? A That's all.
Q Were you present when your daughter enrolled in the Cherokee Nation?
A No sir.
Q Was she living with you? A Yes sir.
Q Did she enroll Benny at the same time? A No, I think she got an affidavit for to carry the midwife and the affidavit before [illegible] given her to swear.
Q Why didn't she enroll Chicago at the same time she did herself?
A I am not able to answer to that part of it.
Q Why? Wasn't you interested in it? A Yes sir.
Q You come here to enroll him? A Yes sir.
Q You knew when he was born? A Yes sir.
Q Knew when he died? A Yes sir, and the next time about this case, Judge, is, this mother is living and she came here to file for Chicago [illegible] Cherokee, the Commissioners rejected it, and the child died before [illegible]
Q Well, then, you knew that you could have come to file in the Cherokee Nation? A Yes sir.
Q Why, he had been rejected here, and where could he file? A He was going with his mother.
Q Well, she filed, didn't she? A Yes sir.
Q Why didn't she file Chicago? A I don't [illegible]
Q She filed Benny didn't she? A Yes sir.
Q And Chicago was dead when she filed Benny? A Yes sir.
Q Did she ever tell you why she didn't file Chicago? A No sir, I did not ask her till the other day.

Q Did she tell you why she filed him here now--applied for him?
A Just to get with his father.
Q She never give you any reason why she was coming here now? And asking to have him put on the rolls? A No sir, no special reason.
Q You knew it was a very important matter for her to file Chicago when she filed herself? A How?
Q You knew she filed Benny when she filed herself? A She wasn't allowed.
Q Well, you knew she had him filed now. A Well, he is on the roll.
Q Well, you knew she could have filed Chicago? A No sir, I don't know anything about; I didn't.
Q Didn't care anything about it? A I never had any thought about it.
Q Got any interest in it? A That's her child.
Q You felt interest in it? A No sir.
Q Never have felt any in it? A Never has; only that they are my grandchildren.
Q Don't you care whether she succeeds in filing him or not? A I want him to file if its law.
Q Well, you have got an interest in it, then? Did you say that the notice sent out by the Commission that the citizenship rolls were closed at a certain day soon--, did you know that the Commission had sent out a notice that the citizenship rolls would soon close? A No sir, never heard anything about it.
Q Do you know when your daughter made application to be enrolled in the Cherokee Nation? A Not exactly, being a man that's not able to keep up with the times; I don't know- just really know.
Q Well, about what time? A I can't answer; I don't know exactly what time she applied in the Cherokee Nation but I know she went to file.
Q How old is Benny? How large is he? A He is a good sized boy now.
Q How large was he when she enrolled him? A I think he was just about undertaking to walk.
Q About a year old? A Yes sir.
Q You knew when she went to file and enroll in the Cherokee Nation that the child followed the mother, then, didn't you-- they had refused to enroll him over here with his father? A Yes sir, his father come back home and told us that he went to file for his baby but the Commissioner said he went with his mother.
Q Who went with her to enroll herself and the child? Did her husband go with her to the Cherokee Nation? A I don't think he did; I know he didn't.
Q Who did? A I don't know.
Q Did you? A No sir.
Q Did she go by herself? A I don't know-- [illegible] is, as her. She was over here to town and she went from town to [illegible] and file; so, I cant tell [illegible]; I was [illegible].

By the Commission:
The [illegible] above referred to [illegible] other than [illegible] given. [illegible]

By Mr. [illegible]:
Q What [illegible]?
A I [illegible].
Q What [illegible]? A I don't know; [illegible].
Q I [illegible]? A I don't [illegible] exactly.
Q And [illegible]? A I dis-remember; [illegible] it [illegible] in [illegible].
Q [illegible] the date from [illegible] put down Chicago's birth? A Well, the man was able [illegible] and put it down.
Q What date was he born on? A Chicago was born on the [illegible] of February.

Q Did you tell him that, there that day? A Yes sir; furthermore he knowed it.
Q How did he know? He wasn't there? A He was there the next day after his birth.
Q Well, did you know when you told him, when he put it down? A Yes sir.
Q If you knew that, why can't you tell the day this one was born?
A Cause I never thought about it; I suppose I know the day but I never kept it.
Q Do you know the date Benny was born? A Yes sir; Benny was born in October, about the 15th.
Q Benny and Chicago you do know the date of; and Chicago was born on February 8th? A Yes sir.
Q These two are entitled to allotment, are they? A Yes sir.
Q This one is not? A I don't know that exactly whether he is entitled or not.
Q You are not applying for him, are you? A No sir; the mother might appl. for him; I don't know what she will do when she gets back.
Q Do you pretend to say that you don't know that that child is not entitled to file? A I know it aint here in Creek, but I don't know about the Cherokee.
Q If you know the laws here you ought to know it there. A I am not so very well equipped there; I am not a Cherokee nor Creek.
Q You know it better over there? A No sir.
Q Do you mean to pretend to tell this court that you don't know that they are not going to enroll that little child there? A I don't know what they are going to do.
Q Do you mean to pretend to say that you don't know he cannot be enrolled anywhere? A No sir, I don't.
Q And you don't know what day it was born on? A No sir.
Q And it was born last March? A?I know it was a March child but I can't personate the day.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 10th day of August, 1904.

Charles N. Sawyer
Notary Public.

J.B.S

En. 580.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Chicago Smith, deceased, as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 22, 1904, Zora Smith appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her minor child, Chicago Smith, deceased, as a Creek Freedman.

The evidence shows that said Chicago Smith, deceased, is the minor child of Zora Smith, a citizen of the Cherokee Nation, and of Sandy Smith whose name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior, March 28, 1902, No. 3916.

The evidence further shows that said Chicago Smith, deceased, was born February 8, 1899 and died subsequent to April 1, 1899.

It is, therefore, the opinion of the Commission that said Chicago Smith should be enrolled as a Creek Freedman in accordance with the provisions of the Act of Congress, June 28, 1898 (30 Stat. 495), and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

FEB 3 - 1905

MARRIAGE LICENSE.

United States of America, } ss.
Northern ~~Western~~ District. }

No. 800.

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and Publish the Banns of Matrimony between Mr. Dandy Smith of Muskogee, in the ~~Indian Territory,~~ aged 25 years, and Miss Dora Vorner, of Muskogee, in the ~~Indian Territory,~~ aged 23 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 17th day of November, A. D. ~~190~~ 1897.

Seal Jas. A. Winston
Clerk of the ~~U. S. Court~~ United States Court

By ..... Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, } ss.
Northern ~~Western~~ District. }

I, James N Wells, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 21 day of Nov, A. D. ~~190~~ 1897, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and Publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 27 day of Nov, A. D ~~190~~ 1897.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory ~~Western~~ Northern District, Book A, Page .....

James N. Wells
A Minister of the Gospel.

NOTE—This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Western District, Indian Territory, from whence it was issued, within sixty days from the date thereof, or the party to whom the license was issued will be liable to the amount of One Hundred Dollars. ~~Dollars.~~

Filed and duly recorded 26 day of Nov. 1897.
Jas. A. Winston,
Clerk of the United States Court.

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Western District. } ss.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office this ..... day of ....., 190....., at .....M., and duly recorded in Book ....., Marriage Record, Page .....

Witness my hand and seal of said Court at Muskogee, in said Territory, this ..... day of ....., A. D. 190....

Clerk.

By ..... Deputy.

CERTIFICATE OF TRUE COPY.

UNITED STATES OF AMERICA, INDIAN TERRITORY, WESTERN DISTRICT. } ss. I, R. P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, and ex-Officio Recorder of said District and Territory, do hereby certify that the instrument hereto attached is a full, true, and correct copy of a ~~mortgage~~ Marriage License for record filed in my office on the 26 day of Nov. 1907, at — o'clock — M., ~~and Renewal Affidavit filed~~ ~~on~~.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 23 day of July A. D. 1907.

By John Harlan Deputy Clerk. R. P. Harrison Clerk and Ex-Officio Recorder.

CERTIFICATE OF RECORD.

United States of America, } ss.
Indian Territory,
Western District.

I, ROBERT P. HARRISON, Clerk of the United States Court in the Western District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office this ____ day of _____ 190 ___, at ____ M., and duly recorded in Book ____, Marriage Record, Page ____

Witness my hand and seal of said Court at Muskogee, in said Territory, this ____ day of _____, A. D. 190 ___

Clerk

By _____ Deputy.

Crook an 880

Muskogee, Indian Territory, February , 1906.

E. .. Mott,

Attorney for the Crook Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Chioaro Smith as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Chioaro Smith will be regularly listed for enrollment as a Creek Freedman.

Very respectfully,

Chairman.

JWM-C-CC.

CR EN 581

CR EN 581

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dustin, I. T., July 25, 1904.

In the matter of the application for the enrollment of Edward Whitlowe as a citizen by blood of the Creek Nation.

Semhoye Whitlowe, being duly sworn, testified:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Semhoye Whitlowe.
Q What is your age? A I don't know. I was born after the War.
Q How long after? A I don't know.

The witness appears to be at least thirty years of age.

Q What is your post office address? A Dustin.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tulladega.
Q Did you file an affidavit with the Commission in the matter of the application for the enrollment of Edward Whitlowe, your son? A I don't know.
Q Have you a child named Edward Whitlowe? A yes, sir.
Q Where is he? A He went down to the creek to go in swimming.
Q How old is he? A I don't know.
Q About how old is he? A (no response)
Q Do you know whether there was a record made of the date of his birth? A I think there is a record.
Q Can you read and write in English or Creek? A No, sir.
Q Who made the record? A I don't know exactly who did it but I think there was one made out.
Q Where is it? A I think it must be here.
Q What is the name of this child you have in your arms? A John Whitlow.
Q Is he your child? A Yes, sir.
Q How old is he? A Some where about two years old.
Q How old was Edward when John was born? A He was quite old.
Q What is the name of the father of your child, Edward? A Edward Whitlow.
Q Is he living? A Yes, sir.
Q Is he a citizen of the Creek Nation? A Not a citizen.
Q Of what Indian Nation or Tribe is he a citizen? A Seminole.
Q Is Edward here present with you now? A Yes, sir.
Q Which is he? A This one. (Indicating a small boy which has just come up out of the woods)

WILLIAM WHITLOW, being duly sworn, testified:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A William Whitlow.
Q Are you known by any other name than William? A Whitlow is the name I go by.
Q Do you know Semhoye Whitlow? A Yes, sir.
Q Is she your wife? A Yes, sir.
Q Is she living? A Yes, sir.
Q Did you ever go by the name of Edward Whitlow? A No.
Q Do you know a child of hers named Edward? A Yes, sir.
Q Who is the father of that child, ? A I am.

Q The mother of the child stated a few moments ago that its father was named Edward? A I have a letter here from the Commission addressing me as William Whitlow and she must be mistaken.
Q What is your age? A About 28.
Q What is your post office address? A Spokogee.
Q Are you a citizen of the Creek Nation? A I am a Seminole.
Q What is your wife's name? A Semhoye.
Q Have you any children by her? A Yes, sir.
Q What is the name of the oldest one? A Edmund.
Q Has he been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q What is the name of your next oldest child? A Edward.
Q How old is Edward? A About six years old.
Q How old is John? A A little over two.
Q He is your next oldest child is he? A Yes, sir.
Q All three of these children are living are they? A Yes, sir.
Q Have you a record of the date of the birth of Edward? A No, sir. We Indians hardly take the birth of a child.
Q Is Edward present here now? A Yes, sir.
Q Which is he? A That one there. (indicating a small boy who is present)

A child present indicated by both Semhoye and William Whitlow, mother and father of the child, appears to be at least four years of age.

Q Has an affidavit in the matter of the birth of Edward been filed with the Commission for his enrollment as a citizen of the Creek Nation? A Yes, sir.
Q What affidavit stated that Edward was born October 25, 1899. How did you arrive at that as the date of his birth? A I really don't know that. May be by describing the child those who wrote the affidavit put the age down.
Q Can you state the date of his birth now? A I don't know.
Q Have you ever filed for Edward? A No.
Q Have you ever made application to the Commission for his enrollment as a citizen of the Seminole Nation? A No, sir.

The records of the Commission show that Semhoye Whitlow is regularly enrolled as a citizen of the Creek Nation on Creek Indian Card No. 2830.

Semhoye Whitlow recalled:

By Commission:
Q You stated that the father of Edward Whitlow was named Edward, is that correct? A No, sir. I didn't say Edward. I said the same name and only meant Whitlow.
Q Is that man there (pointing to the man who testified under the name of William Whitlow) your husband and the father of Edward Whitlow? A Yes, sir.

---oooOOOooo---

I, Drennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 11th day of August, 1904.

Charles W. Lawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Edward Whitlowe as a citizen by blood of the Creek Nation.

SUPPLEMENTAL STATEMENT.

The records of the Commission show that the mother of said Edward Whitlowe is identified on the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 28, 1902, No. 8014.

Commissioner.

Muskogee, Indian Territory,
September 24, 1904.

En. 881.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

3813

-:0:-

In the matter of the application for the enrollment of Edward Whitlow as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 25, 1904, Semhoye Whitlow appeared before the Commission at Dustin, Indian Territory, and made application for the enrollment of her minor child, Edward Whitlow, as a citizen by blood of the Creek Nation.

The evidence shows that the name of Simhoye, mother of said Edward Whitlow, is contained in the partial list of citizens by blood of the Creek Nation approved by the Secretary of the Interior, March 28, 1902, Roll No. 8014.

The evidence further shows that said Edward Whitlow was born prior to July 1, 1900, and living at the date of the application herein.

It is, therefore, the opinion of the Commission that said Edward Whitlow should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provision of the Act of Congress of March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

FEB 2 -- 1905

Creek I-2880.

Muskogee, Indian Territory, May 1, 1903.

William Whitlow,

Spokogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter without date, inclosing birth affidavits for your minor children, Edward and John Whitlow. It appears from said affidavits that said minors are the children of William Whitlow, a citizen of the Seminole Nation, and Simhoye Whitlow, a citizen of the Creek Nation; that Edward was born October 25, 1899, and that John was born October 20, 1901.

You ask that Edward be allotted the north half of the northwest quarter, and the south half of the southwest quarter of section 33, Township 10 North, Range 12 East; and that John be allotted the northeast quarter of section 36, Township 10 North, Range 12 East, provided said land is vacant.

In reply you are advised that a child born October 20, 1901, cannot be enrolled as a citizen of the Creek Nation.

You are further advised that before the Commission can determine whether the name of Edward Whitlow shall be placed on the final rolls of the Creek Nation, it will be necessary for you to appear before the Commission, at its office in Muskogee, Indian Territory,

with two witnesses who know the exact date of his birth, for the purpose of being examined under oath.

Respectfully,

Chairman.

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREWINGTON,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

B.A. 178.

Muskogee, Indian Territory, November 21, 1903.

Simhoye Whitlow,

Spokogee, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Edward Whitlow, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Crook En 561

Muskogee, Indian Territory, February 6, 1906.

M. L. Mott,

Attorney for the Crook Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Edward Whitlow as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to enter protest against said decision, and if, at the expiration of that time, no such protest has been made, said Edward Whitlow will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Very truly,

Chairman.

Enclosure.

CR EN 582

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., May 7, 1903.

In the matter of the application for the enrollment of Mattie and Peter Long, both deceased, as citizens, by blood, of the Creek Nation.

APPEARANCES: Jesse Hill, attorney for applicant.

JESSE LONG, being first duly sworn, testified as follows, through Creek Interpreter Mrs. Lona C. Merrick:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Jesse Long.
Q What is your age? A About thirty-five.
Q What is your post office address? A Spoocogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you a Creek by blood? A Yes, sir.

The records of the Commission examined and it appears therefrom that Jesse Long has been regularly listed for enrollment on Creek Indian Card Field No. 2828, approved roll No. 8004.

It further appears that he is identified on the 1890 authenticated tribal roll of the Creek Nation, page 191, Tulladeege Town, and on the 1895 Pay Roll of said nation, No. 107, Tulladeege Town.

Q For whom do you now make application for enrollment? A For my daughter, Mattie Long, and my son, Peter Long.
Q Are you the father of Mattie and Peter Long? A Yes, sir.
Q What is the name of their mother? A Wiggie.
Q Is she living? A She is dead.
Q When did she die? A February 7, 1902.
Q Was she a citizen by blood of the Creek Nation? A Yes, sir.

The records of the Commission examined and it appears therefrom that the mother of the children for whom application is now made, is listed for enrollment on Creek Indian Card Field No. 2826, approved roll No. 7998.

It further appears that she is identified on the 1895 Pay Roll of the Creek Nation, Tulladeege Town, No. 84.

Q When was Mattie Long born? A I don't know. She was four years old when she died.
Q Was she born in the summer, fall or winter, or spring?
A She was born in the summer.
Q Is Mattie Long living or dead? A Dead.
Q When did she die? A I never did keep any record of it, but I think she has been dead about two years; she was enrolled before she died.
Q Did you ever draw any money from the Creek Nation for Mattie Long?
A Yes, sir.
Q Was Mattie Long ever known by any other name? A No, sir.
Q Did she have an Indian name for Mattie? A Yes, sir; they used to call her Echiye, sometimes.
Q Did you draw money for Mattie, or did Wiggie draw it? A I don't remember whether I drew it or not.
Q Are you positive that you drew money for Mattie Long from the Creek Nation? A I don't know whether I drew it or not; don't remember, it has been so long.

Jesse Long, witness.

Examination by the Commission.

Q Do you know the month, and the day of the month, that Mattie died? A I don't know; I never had kept a record of anything like that; I don't know whether it is two years, or more.
Q Did you go before an officer a little while ago and make an affidavit in regard to the birth and death of Mattie Long? A I didn't make an affidavit, Jeannetta Cosar made all the affidavits. She has the date when they were born and when they died. I was there just as a witness. She knows all about it. She was my witness, and I didn't have anything to do with it. I don't remember what I did.
Q Did you go before an officer this morning and sign your name, by mark, to an affidavit in regard to the birth and death of Mattie Long? A I didn't know what I was signing.
Q Was an affidavit read to you? A No, sir.
Q Did they hold up a paper and read it to you? A Yes, sir. Billy McCombs explained it to me.
Q How old was Mattie Long when she died? A I don't know, but about four years old.
Q How long has she been dead? A I don't know.
Q Are you the father of Peter Long? A Yes, sir.
Q Who is his mother? A Wiggie.
Q When was Peter Long born? A I don't know; I never have kept any record.
Q Is he living? A Dead.
Q When did he die? A I don't know when he died. I was in jail then.
Q How long has he been dead? A Nearly two years, I guess.
Q How old was he when he died? A Going on three years old.
Q Did you execute affidavits in regard to the death of Mattie and Peter Long on May 2, 1903, before a notary public at Spokogee? A Yes, sir; I went before a notary public there and had this woman (Jeannetta Cosar) along with me for my witness. She knows all about it, she had the dates of the death, and she went before a notary public and executed the papers, and I just took her word for it. I knew she was right.
Q Did you know the day and the month, that Mattie Long died, when you executed that affidavit? A No, I don't remember the date, but I saw the child buried myself, and she was there and kept the date, I knew they were right and I swore to it.
Q Did you at the same time execute an affidavit in regard to the death of Peter Long? A Yes, sir.
Q Did you at that time know the day and the month that Peter Long died? A No, I didn't know at the time. I don't remember at all the dates of the death of the children, and I had the same witness and I just took her word for it--she had the dates, kept a record of the dates.
Q Is that child's correct name Peter or Beder? A Peter.
Witness excused.

JEANNETTA COSAR, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.
Q What is your name? A Jeannetta Cosar.
Q How old are you? A I am going on twenty.
Q What is your post office address? A Eufaula.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q Are you married? A Yes, sir.
Q What was your name before you were married? A Jeannetta Jimpsey.
Q Did you know Mattie and Peter Long? A Yes, sir.

Jeannetta Cesar, witness.

Examination by the Commission.

Q Are they living or dead? A Dead.
Q What is the name of their father? A Jesse Long.
Q What is the name of their mother? A Wiggie Long.
Q Is Wiggie Long living or dead? A Dead.
Q How long has she been dead? A Going on two years, now, she died in 1908.
Q What day and month was it that she died? A February 17th.
Q Was she kin to you? A Yes, sir.
Q What kin was she? A She was my uncle's daughter.
Q Do you know when Mattie Long was born? A Yes, sir.
Q When was she born? A Born in the month of February 22nd, in the year 1898.
Q Were you present when she was born? A I was right there, wasn't nobody else but me.
Q How far did you live from Wiggie Long when the child was born? A Lived in the same house.
Q Did you make a record of the birth of that child? A Yes, sir.
Q When did you make that record? A Baby born in the morning, and I made it in the afternoon.
Q Do you know when she died? A Yes.
Q When? A She died in the month of July 13th, in the year 1900.
Q Were you present when she died? A Yes, sir; I was right there; she died before noon.
Q Did you make a record of her death? A Yes, sir.
Q When did you make that record? A Just right after she died.
Q Do you know when Peter Long was born? A Yes, sir.
Q When? A Born in November the 15th, and in the year 1899.
Q Did you make a record of his birth? A Yes, sir.
Q When did you make that record? A After that baby born. It was born before noon, too, and I made it right after noon.
Q Do you know when Peter Long died? A Yes, sir.
Q When? A He died in August 18th, in the year was 1900. Two of them died in the same year.
Q Were you present when that child died? A Yes, sir.
Q Did you make a record of his death at that time? A Yes, sir.
Q Did you make a record of his death at that time? A Yes, sir.
Q Have you that record that you made about the birth and death of these children? A Yes, sir.
Q How long after Mattie Long was born before you made the record about her birth? A The same day.
Q How long after Peter Long was born before you made the record about his birth? A The same day.
Q Do you know who named Mattie Long? A Yes, sir.
Q Who gave her her name? A I did.
Q Did her father and mother tell you that you could name her? A No, sir; but I thought I would name it and make her a present.
Q Who named Peter Long? A My uncle did, but he is dead now.
Q How long after these children were born before they were named? A The next morning. Mattie was named the same day, but Peter was named the next morning. His uncle named him.
Q How you stated that you made this entry about when Peter was born on the day that he was born; now you say that he wasn't named until the next day: How is it that you could write his name the day before he was named? A Well my uncle tried to name him Peter the same day, but my uncle said it wasn't much good, and they tried to make some other name, and he thought about it the next morning and he said the same name.
Q Are you in the habit of making a record of the birth and death of your relatives? A Yes, sir.
Q You generally put that down, do you? A Yes, sir.
Q Do you know Kizzie Long? A Yes, sir; his sister (Jesse Long)
Q Is she living? A She is dead. I am not much acquainted with her, but she is dead.

Jeannetta Cesar, witness.

Examination by the Commission.

Q Do you know Lucy Long? A No, sir.
Q Were there any other children born in that neighborhood about the time that Mattie Long was born? A No.
Q Were any children born in that neighborhood about the time that Peter was born? A I don't know anything about that.
Q How long had you been living with Jesse and Wiggie when Mattie was born? A This year makes six years.
Q Were you living with them when Peter was born? A Yes, sir.
Q Were any children born in that neighborhood about the time Peter was born? A No.
Q Did any one die in that neighborhood about the time Mattie died?
A No, I don't know.
Q Did any one die in that neighborhood about the time Peter died?
A I don't know.

The records of the Commission examined and it appears therefrom that there were filed with the Commission, on this day, affidavits in regard to the death of Mattie and Peter Long, executed May 2, 1903, which are marked Exhibits "A" and "B", and made a part of the record herein.

The records of the Commission further examined and it appears therefrom that affidavits in regard to the birth and death of said Peter and Mattie Long were filed with the Commission on this day, which are marked Exhibits "C" and "D" and made a part of the record herein.

The record of births and deaths referred to by Jeannetta Cesar in her testimony is filed, Marked Exhibit "E" and made a part of the record herein.

Witness excused.

JESSE LONG, being recalled, testified as follows, through official Creek interpreter, Mrs. Lona C. Merrick:

Q Are there any other statements you desire to make in regard to the application made by you for the enrollment of your two deceased children, Mattie and Peter Long, as Creek citizens? A No, sir.

COMMISSION TO APPLICANT:

You will be furnished at a later date with a copy of the decision of the Commission in the matter of the application made by you at this time for the enrollment of your two deceased children, Mattie and Peter Long, as citizens by blood of the Creek Nation, which will be mailed to you at your proper post office address, as given by you in your testimony taken at this time.
Witness excused.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on the 7th day of May, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Subscribed and sworn to before me this 11 day of May, 1903, at Muskogee, Indian Territory.

Chas. Montgomery

Notary Public.

COPY.

B. A. 161

Muskogee, Indian Territory, November 21, 1903.

Martha Haynes,

Watsonville, Indian Territory.

Dear Madam:

There are on file with the Commission affidavits executed by you relative to the birth and death of Mattie Tiger, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in this case.

The mother of said child is required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dustin, I. T., July 28, 1904.

In the matter of the application for the enrollment of Peter and Mattie Tiger as citizens by blood of the Creek Nation.

MARTHA HAINES, being duly sworn, testified as follows:

Through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Martha Haines.
Q How old are you? A About 55.
Q What is your post office address? A Dustin.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tullladega.
Q Do you know James Tiger? A Yes, sir.
Q Is he living? A Yes, sir.
Q What relation is he of yours? A My son-in-law.
Q Do you know Mollie Tiger? A Yes, sir.
Q Is she living? A She died.
Q What relation is she of yours? A My daughter.
Q What town does James Tiger belong to? A Tullladega.
Q Was Mollie Tiger James Tiger's wife? A Yes, sir.
Q Did they have a child named Peter? A Yes, sir.
Q Is he living? A Died.
Q Do you know when he was born? A I don't know the exact age of the child. It has been born a good while. Older than this child. (indicating a small child seated on her lap)
Q How old is that child? A About two years old this month. I don't know nothing about times and dates. We are governed by the seasons of the year as to when one year rolls around.
Q Do you know whether a record was made of the date of the birth of Peter? A The father might have it. I think he was preparing an affidavit to send to the Commission but I don't know anything about it.
Q Did James and Mollie have a child named Mattie? A Yes, sir.
Q Is she living? A Died. Mattie died first. Peter died afterward
Q How long after Mattie died before Peter died? A I think Mattie died in July and Peter in August.
Q The same year? A Yes, sir.
Q How old was Mattie when she died? A She must have been about five years old. She could talk well.
Q Could Peter talk when he died? A Just beranto set up.
Q How many teeth had he? A All of them.
Q How many years have Peter and Mattie been dead? A I don't know exactly the time but it was during the small pox season. Maybe four or five years.
Q Which smallpox season do you refer to? A It was when it was through here. Drs. Countryman and Gibson collected all through here.
Q Was either Peter or Mattie ever filed for do you know? A I don't know. Jim said that he had filed them.
Q Do you know whether he has received any certificates? A I notice he got papers but I don't know whether they were certificates or not. You can ask him and he will tell you all about it.
Q Did Mollie, the mother of Peter and Mattie, die before or after they died? A Died afterwards. The child (referring to child mentioned above) was born to her. Jim was trying to lease their land and I suppose he must have filed them.
Q You mean Peter and Mattie's land? A Yes, sir.

I, Dreeman C. Skaggs, on oath, state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Dreeman C. Skaggs.

Subscribed and sworn to before me this 11th day of August, 1904.

Charles D. Sawyer
Notary Public.

Rn. 582.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dustin, I. T., January 19, 1905.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Peter and Mattie Tiger as citizens by blood of the Creek Nation.

MARTHA MAINES, being duly sworn, testified as follows:

Through Alex Posey Official Interpreter:

BY COMMISSION:

Q What is your name? A Martha Maines.
Q How old are you? A I do not know how old I am. I was born before the Civil War.
Q What is your post office address? A Dustin.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q To what town do you belong? A Tulladega.
Q Did you know Peter and Mattie Tiger, children of James and Mollie Tiger? A Yes, sir. I am the grandmother of the children.
Q Those children are dead are they? A Yes, sir.
Q Which died first? A Mattie died first.
Q How long has she been dead? A I do not know how many year either of the children has been dead but land has been selection for both of them.
Q Under what name has land been selection for these two children? A As Peter and Mattie Long.
Q Is the father of these children known as Jessie Long and Jessie Chupoo? A Yes, sir.
Q Have the certificates of allotment and deeds been issued for Peter and Mattie? A Yes, sir.

The witness presents allotment deeds Nos. 29500 and 29501, issued to the heirs of Peter Long, Creek Indian Roll No. 9842, and 29498 and 29499, issued to the heirs of Mattie Long, Creek Indian Roll No. 9841. Delivered by the Principal Chief January 6, 1905.

Q Are Peter and Mattie Long the same as Peter and Mattie Tiger? A Yes, sir. The father is known either as James Tiger, Jessie Long or Jessie Chupoo, and the mother was known either as Mollie Tiger, Mollie Long or Mollie Chupoo.
Q You have heretofore given testimony in this case have you? A Yes, sir, when Luke McIntosh was interpreting for the Commission.
Q Did you ever execute any affidavit relative to the birth and death of these two children? A Yes, sir.
Q Are the dates as given in those affidavits correct? A Yes, sir, the dates were fresh in my mind at the time I executed the affidavits. They died close together.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D. C. Skaggs.

Subscribed and sworn to before me this 3 day of February, 1905.

E. A. [illegible]
Notary Public.)

161

IN RE

Application for Enrollment of

INFANT CHILD

Mallie Tiger

as a citizen of the

Creek *Nation.*

Approved _____ *190*

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED

Filed Dec. 17 1902

ACTING CHAIRMAN

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation, of Mattie Tiger (Here insert name of child.), born on the 22nd day of Feb, 1896

Name of Father: James Tiger, a citizen of the Creek Nation.

Name of Mother: Mollie Tiger, a citizen of the Creek Nation.

Post-Office: Watsonville I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, , on oath state that I am years of age and a citizen, by , of the Nation; that I am the lawful wife of , who is a citizen, by , of the Nation, that a (Male or female.) child was born to me on the day of 190 ; that said child has been named , and is now living.

WITNESSES TO MARK.

(Must be Two Witnesses.)

Subscribed and sworn to before me this day of 190 .

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Martha Haynes, a Midwife (and Grandmother), on oath state that I attended on Mrs. Mollie Tiger, wife of James Tiger, on the 22nd day of Feb, 1896; that there was born to her on said date a Female (Male or female.) child; that said child ~~is now living~~ lived and is said to have been named Mattie Tiger

Martha her x mark Haynes

WITNESSES TO MARK

(Must be Two Witnesses.)
Jno W McGee
John M. Elmore

Subscribed and sworn to before me this 28th *day of* August 1902

J. P. Boyle
Notary Public.
Com Expires August 16th 1906

2160

IN RE

Application for Enrollment of

INFANT CHILD

Ker Tiger

as a citizen of the

Creek Nation.

Approved _____ 190

Commissioner.

Died Aug 7, 1901

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FILED

Filed Dec. 17, 1902.

BIRTH AFFIDAVIT. 99

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Creek Nation,
of Peter Tiger (Give full name of child.), born on the 16 day of Sept., 1899
Name of Father: James Tiger, a citizen of the Creek Nation.
Name of Mother: Mollie Tiger, a citizen of the Creek Nation.
Post-Office: Watonville

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , on oath state that I am
years of age and a citizen, by , of the Nation;
that I am the lawful wife of , who is a citizen, by
, of the Nation, that a (Male or female.) child was
born to me on the day of 190 ; that said child has been
named , and is now living.

WITNESSED TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190 .

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Martha Haynes, a Midwife (and Grandmother), on oath state that I attended on Mrs. Mollie Tiger, wife of James Tiger, on the 16 day of Sept, 1899; that there was born to her on said date a Male (Male or female.) child; that said child lived and is said to have been named Peter Tiger

her
Martha x Haynes
mark

WITNESSED TO MARK:

(Must be Two Witnesses) Geo W McGee
John Ragsdale

Subscribed and sworn to before me this 21st day of August 1902

J. J. Boyle
Notary Public.

Com Expires August 16th 1906

-310-

IN RE
THE DEATH OF

Mattie Tiger
a citizen of the
Creek Nation.

Approved 1900

Commissioner.

Wm. [illegible]
Dead Roll

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

Acting Chairman.

Dead Dec 17 1902

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Mattie Tiger (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Watsonville (Here insert name of postoffice.), Ind. Ter., and died on the Fifth day of July, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Martha Haynes, on oath state that I am 33 years of age and a citizen, by Blood, of the Creek Nation; that my post office address is Watsonville (Here insert name of post office.), Ind. Ter.; that I am Grandmother (State relationship as the father, an uncle, a cousin, etc.) of Mattie Tiger (Here insert name of deceased.), who was a citizen, by Blood, of the Creek Nation; and that said Mattie Tiger (Here insert name of deceased.) died on the 5th day of July, 1901.

Martha her x mark Haynes

WITNESSED BY MARK:

(Must Be Two Witnesses.) Jno. W. McGee

Subscribed and sworn to before me this 28th day of August 1902.

Com. Expires Oct 26th 1904 — Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Lucinda Lowe, on oath state that I am 18 years of age, and a citizen, by Blood, of the Creek Nation; that my post office address is Watsonville (Here insert name of post office.), Ind. Ter.; that I was personally acquainted with Mattie Tiger (Here insert name of deceased.) who was a citizen, by Blood, of the Creek Nation; and that said Mattie Tiger (Here insert name of deceased.) died on the 5th day of July, 1901.

Lucinda Lowe

WITNESSED TO MARK

(Must Be Two Witnesses.) Jno. W. McGee

John H. Hodge

Subscribed and sworn to before me this 1st day of August 1902.

L. L. Boyle — Notary Public.

Com. Expires Aug 10th 1904.

-309-

IN RE
THE DEATH OF

Peter Tiger

a citizen of the

Creek Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
RECEIVED

Filed Dec. 1902

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Peter Tiger, (Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near Watsonville, (Here insert name of postoffice.) Ind. Ter., and died on the 7th day of August, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY, Western District. }

I, Martha Haynes, on oath state that I am 39 years of age and a citizen, by blood, of the Creek Nation; that my post office address is Watsonville, (Here insert name of post office.) Ind. Ter.; that I am Grandmother (State relationship as: the father, an uncle, a cousin, etc.) of Peter Tiger, (Here insert name of deceased.) who was a citizen, by blood, of the Creek Nation; and that said Peter Tiger (Here insert name of deceased.) died on the 7th day of August, 1901.

her
Martha x Haynes
mark

WITNESSES TO MARK: (Must be Two Witnesses.)
Jno W McGee
John H. Mcgee

Subscribed and sworn to before me this 28th day of August, 1902.

J P Boyle
Com. Expires: Oct. 16th 1906

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, } INDIAN TERRITORY, Western District. }

I, Lucinday Lowe, on oath state that I am 18 years of age, and a citizen, by blood, of the Creek Nation; that my post office address is Watsonville, (Here insert name of post office.) Ind. Ter.; that I was personally acquainted with Peter Tiger, (Here insert name of deceased.) who was a citizen, by blood, of the Creek Nation; and that said Peter Tiger (Here insert name of deceased.) died on the 7th day of August, 1901.

Lucinday Lowe

WITNESSES TO MARK: (Must be Two Witnesses.)
Jno W McGee
John H. McGee

Subscribed and sworn to before me this 28th day of August, 1902.

J P Boyle
Com. Expires: Oct. 16th 1906

CR EN 583

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hanson, I. T., July 19, 1904.

In the matter of the application for the enrollment of Harriet Kano as a citizen by blood of the Creek Nation.

By Commission:

On July 19, 1904, a trip was made to the home of Yaha Kano and after at least a half hours effort to obtain testimony from him, under oath, he absolutely refused to take any interest in the application heretofore made (by filing death affidavit No. 59) for the enrollment of his wife, Harriet Kano, as a citizen by blood of the Creek Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hasson, I. T., July 21, 1904.

In the matter of the application for the enrollment of Harriet Gano as a citizen by blood of the Creek Nation.

Solomon Bullett, being duly sworn, testified as follows:

Partly through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Solomon Bullett.
Q How old are you? A About 26 years old.
Q What is your post office? A Hasson.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q what town do you belong to? A Hillabee Canadian.
Q Do you hold any official position in the Creek Nation? A Yes, sir.
Q State it? A Member of the house of Warriors.
Q Did you know Harriet Kano? A Yes, sir.
Q What relation was she of yours? A My mother.
Q Do you pronounce her name "Kano" or "Gano"? A Gano.
Q Harriet Gano is dead is she not? A She is dead.
Q Do you know the date of her death? A No, I don't know exactly.
Q Have you any record of the date of her death? A No, sir, I didn't have none. It was on the head-board but the head-board had been broken off and thrown away.
Q Was the date of her death ever written in a book or on a piece of paper as a record? A There was some record but it was in the hands of Yaba Gano and he said it had been misplaced and he could not find it. There was another record written on the head-board of the grave.
Q When did you last examine the grave of Harriet Gano to find out whether the head-board was there or not? A It has been about two weeks since I examined it and I can't find it.
Q What month did Harriet Gano die? A I don't know what month.
Q Do you know what year she died? A I don't know it has been not been very long.
Q Did you know Hotulke Emarthla? A yes, sir.
Q Did Harriet Gano die before or after Hotulke Emarthla died? A Harriet died first.
Q How long before Hotulke Emarthla died did Harriet Gano die? A I don't know.
Q Did she die the same day Hotulke Emarthla died? A In the same year.
Q How many years before Hotulke Emarthla died did Harriet Gano die? A I don't know. William Barnett was elected a member of the House of Warriors and within about the expiration of two years of his time my mother died. And I became member after the expiration of William Barnett's full term. Barnett's time expired last December 5, and I have been in office ever since then.
Q How long have you been a member of the House of Warriors? A I was elected last October but I didn't take the seat until December 5, last.
Q How long did William Barnett serve as member of the House of Warriors? A Four years. His term just before my election.
Q And do you say that Harriet died during his term of office? A Yes, sir.
Q How long before Hotulke Emarthla died did Harriet Gano die? A I don't know that. Can't state that.

Q Did Harriet Gano die one year and Hotulke Emarthla the next year? A Hotulke Emarthla must have died in the next following year af after her death.
Q Can you tell me whether or not Harriet Gano died while the Eufaula District Court of the Creek Nation was in existance? A Yes, sir, during the existance of that court.
Q How long did that Court continue in existance after Harriet died? A Not long. I don't know exactly.
Q Do you remember of Selitka McIntosh being murdered by Kotche Emarthla? A I heard of it.
Q Did you pay much attention to it? A I never paid very much atten tion to it but I thought the District Authority existed about that time.
Q Do you remember whether or not Harriet Gano was dead when Selitka McIntosh was murdered? A Dead.
Q Do you remember about the small pox raging in the western part of the Creek Nation--I mean the year that so many people died of the small pox in the western part of the Creek Nation? A I heard of it away out west.
Q Do you remember whether Harriet died before that time? A She was living then. It has been a good long time since then.
Q I refer to the last epidemic? A She was dead during the last one.
Q Was Harriet Gano a christian woman? A Yes, sir.
Q Of what church was she a member? A Weogufke Baptist Church.
Q Who has the Church records? A I have the Church records here but in the women's society they have a separate church record and some of the women must have that.

---.:::.---

I, D. C. Skaggs, on oath, state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 9th day of August, 1904.

Wm Martin jr.
Notary Public.

E.M.

En. 583.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Harriet Gano as a citizen by blood of the Creek Nation.

-: S T A T E M E N T :-

The 1890 Authenticated Tribal Roll of the Creek Nation examined and Harriet Gano identified thereon at page 116, as Harriot Keno, Hillabee Canadian Town.

The 1895 Pay Roll of the Creek Nation examined and Harriet Gano identified thereon at No. 35 as Harriet Kano, Hillabee Canadian Town.

Chairman.

Dated at Muskogee, Indian Territory,
This 13 day of August, 1904.

Da-3.C.74 #59 670.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMULGEE, I.T., NOVEMBER 20th, 1903.

In the matter of accounting for those persons whose names appear on the Creek Tribal rolls, who died prior to April 1st, 1899, and are not shown upon said rolls to have been otherwise accounted for.

JIM HILL, being first duly sworn by R. R. Cravens, notary public testified as follows:

BY THE COMMISSION:

The object of this examination is to ascertain who of those members of Hillabee Canadian Town died prior to April 1st, 1899.

Q What is your name? A Jim Hill.
Q What is your age? A About 42.
Q What is your postoffice address? A Eufaula.
Q Are you a member of the House of Kings for Hillabee Canadian Town? A Yes, sir.

1890 Roll.

Q Hanie Gray? A That is meant for Henry Gray: Died before the land office opened.
Q Hillabee Harjo? A Died before the land office opened.
Q Harriett Keno? A She died since the land office opened.
Q Do you know it was since the land office opened? A Yes, sir.
Q Susan Keno? A She died long ago; before the land office opened.
Q Marther? A She died after the land office opened.
Q Big Lucy. A She died long ago.
Q Before the land office opened? A Yes, sir.
Q Hullegee? A She is dead long ago.
Q Before the land office? A Yes, sir.
Q Annie Coonhead? A She is dead a good while before the land office opened.
Q Ben Coonhead? A He died long ago. Before the land office.
Q Annie Bruner? A She is dead.
Q Before the land office opened? A Yes, sir.
Q Daniel C. Watson? A He is dead before the land office opened.
Q Tianner? A Died before the land office opened.
Q Emarthler? A Died long time ago.
Q Before the land office? A Yes, sir.
Q Waiohee? A Dead long ago.
Q Before the land office opened? A Yes, sir.
Q Hokos Yarhola? A He is dead before the land office opened.
Q Wilson Pot? A He is dead long after the land office opened, but I would not say what month or what day.
George Givens? A He died after the land office opened.
Q Betsey Smith? A She died after the land office opened. I think they made affidavit for her.
Q Mary Smith? A She's dead - before the land office opened.
Is Mary Smith and Mary Francis the same person? A Yes, sir.
Q Amos Smith? A Died before the land office opened.
Q Alec Lasley? A He is dead, I think before the land office opened. Maybe after the land office opened. I don't know.
Is there any body here who would be likely to know? A I think he was dead before the land office opened.
Wiley Lasley? A He died after the land office opened.
Q Rob Lasley? A He is dead long ago - died before the land office opened.
Where is Sallie Hawkins? A She is dead long ago.
Q Before the land office opened? A Yes, sir.
Q Jannettie Deer? A She is dead. Died before the land office opened.

Rosa Bruner? A She is dead before the land office opened.
Q Frazier Bruner? And Joe Bruner? A Both died before the land office opened.
Q Hopsey,Hagie and Sam ? A Died before the land office opened.
Q All three of them? A Hopsey is dead before the land office. Hagie and Sam both died after the land office opened.
Q What name did Hagie go by? Hagie what? A Hagie Harjo.
Q Got her land I reckon? A Think so.
Q What name does Sam go by? A Sam Harjo.
Q Worksogee? A Died after the land office opened.
Q Wozey Harjo? (No answer.)
Q Now here is Katie? A She died before the land office opened.
Q Eliza and Frank in Big Jack's family? A Eliza I think is dead after the land office opened, but I cannot say.
Q What name did she go by? A Eliza Jackson.
Q What about Frank? A Don't know.

1895 Roll.

Q Buddie Hall? Do you know him? A Died before the land office opened.
Q Lucy Bellen? A I think she is dead before the land office opened.
Q Daniel Kano? A Dead before the land office opened.
Q Nancy Deer, on the 1891 Omitted Roll? A I don't know about her.
Q Do you know anything about Thomas McCall? A No, sir, don't know.

The undersigned, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the above and foregoing matter, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

R R Navarro

Subscribed and sworn to before me this the 2nd day of December, A. D., 1903, at Muskogee, Indian Territory.

Edward McMack,
NOTARY PUBLIC.

3 R. Ross Roll
Canadian
116 - 1900 Roll

IN RE
THE DEATH OF
Harriet Mano
a citizen of the
Creek
Nation.

Approved
1

Commissioner.

6.70

FILED
Aug 30, 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Harriet Nano
(Here insert name of deceased.)
a citizen of the Creek Nation, who formerly resided at or near
Thurman, Ind. Ter., and died on the 17 day of April,
(Here insert name of post office.)
1899

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }
(INDIAN TERRITORY,)
Northern District. }

I, Yaba Nano, on oath state that I am 60
years of age and a citizen, by blood, of the Creek Nation;
that my post office address is Thurman, Ind. Ter.; that I ~~was~~
(Here insert name of post office.)
Husband of Harriet Nano,
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Harriet Nano died on the 17 day of
(Here insert name of deceased.)
April, 1899.

Yaba his X Nano
mark

WITNESSES TO MARK.
(Must be Two Witnesses.) J. Berry
W. A. Wallace

Subscribed and sworn to before me this 23 day of August 1901.

William J. Martin
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }
(INDIAN TERRITORY.)
Northern District. }

I, William Barnett, on oath state that I am 45
years of age, and a citizen, by blood, of the Creek Nation;
that my post office address is Thurman, Ind. Ter.;
(Here insert name of post office.)
that I was personally acquainted with Harriet Nano,
(Here insert name of deceased.)
who was a citizen, by blood, of the Creek Nation;
and that said Harriet Nano died on the 17 day of
(Here insert name of deceased.)
April, 1899.

William his X Barnett
mark

WITNESSES TO MARK.
(Must be Two Witnesses.) J. Berry
W. A. Wallace

Subscribed and sworn to before me this 23 day of August 1901.

William J. Martin
Notary Public.

Dn. 583.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Harriet Gano, deceased, as a citizen by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 19, 1904, proceedings were had before the Commission at Hasson, Indian Territory, in the matter of the application for the enrollment of Harriet Gano as a citizen by blood of the Creek Nation.

Further proceedings were had on July 21, 1904, and August 13, 1904.

Proceedings in the matter of accounting for persons whose names appear upon the Creek Tribal Rolls who died prior to April 1, 1899, and are not shown upon said rolls to have been otherwise accounted for, were had before the Commission at Okmulgee, Indian Territory, November 20, 1903, and a copy of said testimony is made part of the record herein.

The evidence shows that said Harriet Gano is identified on the 1890 authenticated tribal roll of the Creek Nation and on the 1895 pay roll of said Nation, and that she died subsequent to April 1, 1899.

It is, therefore, the opinion of the Commission that said Harriet Gano, deceased, should be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the Acts of Congress of June 28, 1898 (30 Stat. 495) and March 1, 1901 (31 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
FEB 1 6 1905

D. C. 59.

Muskogee, Indian Territory, January 26, 1904.

Yaba Kano,

Thurman, Indian Territory.

Dear Sir:

There is on file with the Commission an affidavit executed by you relative to the death of your wife, Harriet Kano, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the death of said Harriet Kano, for the purpose of being examined under oath.

Respectfully,

Commissioner in Charge.

Creek An 583

Muskogee, Indian Territory, February 17, 1905.

E. L. Pott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Harriet Gano (deceased) as a citizen by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof within which to protest against said decision, and, if, at the expiration of that time, no such protest has been made, said Harriet Gano (deceased) will be regularly listed for enrollment as a citizen by blood of the Creek Nation.

Respectfully,

Chairman.

J.R.-H-S.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cr. En. 583.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 15, 1905.

Harriet Gano,

Hanna, Indian Territory.

Dear Madam:

You are advised that the name of yourself is contained in the partial list of Creek citizens, approved by the Secretary of the Interior April 6, 1904, and that application for a selection of land in the Creek Nation may now be made for yourself at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 584

CR EN 584

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dustin, I. T., July 25, 1904.

In the matter of the application for the enrollment of Willie and Mammie Fife as citizens by blood of the Creek Nation.

LOUISA FIFE, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Louisa Fife.
Q How old are you? A I don't know.
Q About how old? A I don't know.

Witness appears to be at least thirty years of age.

Q Are you a citizen of the Creek Nation? A Yes, sir.
Q what town do you belong to? A Thlewathle.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Sunday.
Q Have you any children by him? A Yes, sir.
Q What are their names? A Taylor, Willie, Mammie and the smallest is Jimmie.
Q Has Taylor been enrolled and received an allotment as a Creek Citizen? A Yes, sir.
Has application to the Commission been made for the enrollment of Willie and Mammie as citizens of the Creek Nation? A I don't know. But Sunday said when he was in Muskogee the Commissioners made him sign up some papers respecting these children and I suppose that was filing.
Q Do you know a birth affidavit when you see it? A No, sir.
Q Do you know whether that paper stated the dates of the birth? A I don't know what was in the paper he signed but he said that they said if I would come now and be sworn in these children would get land but I have never been able to go.
Q How old is Willie Fife? A He is some wheres about seven. There is a record but I don't know where it is.
Q Is Willie here with you now? A Yes, sir.
Q Which is he? A This boy. (indicating a small boy)

The child, indicated as Willie, appears to be as old as stated by witness.

Q How old is Mammie? A I don't know but some where about three.
Q Can she talk? A Yes, sir.
Q Can she walk? A Yes, sir.
Q Do you know whether she is three years old or more or less? A I don't know. There is a record here but I don't know where it is
Q Will you look for it? A I would not know the writing. I cannot read or write.

The witness, after making a search in her house for the record, stated that she was unable to find it.

Q Can you read or write in English or Creek? A No, sir.
Q What month was Mammie born? A About July, I think.
Q How old is Mammie this July? A I don't know really but I think it is about three.

Q Is she over three? A I think not. It is all put on record correct but I don't know where.
Q Is Mammie present? A Yes, sir.
Q Which is she? A That one on the bed. (indicating a small child)

A little girl pointed out as Mammie appears to be about three years of age.

---oooOOOooo---

I, Drennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 11" day of August, 1904.

Charles V. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dustin, I. T., July 26, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Willie and Mammie Fife as citizens by blood of the Creek Nation.

SUNDAY FIFE, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Sunday Fife.
Q How old are you? A Thirty-three.
Q What is your post office address? A Dustin.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Tulladega.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Louisa.
Q Is she living? A Yes, sir.
Q Did you have a child by her by the name of Willie Fife? A Yes, sir.
Q When was Willie Fife born? A I got the record there. I haven't got it in memory.
Q How old do you say Willie is? A Seven or eight years. I am not certain but suppose it is.
Q Have you a child named Mammie? A Yes, sir.
Q When was Mammie born? A I don't know. Must be a little over three years old.
Q Is she more or less than three years old? A A little over three years old.
Q When was she three? A I don't know.
Q When was her last birthday---what month? A I think she was born in July.
Q Was she three in this month? A I don't know. She is over three years old and I am governed by the record that is there. That is all I can give you is the record.
Q How old do you call Mammie? A A little over three years old.
Q Have you with you the record of the dates of birth of Willie and Mammie, your children? A Yes, sir.

The witness presents a sheet of paper upon which is written the following notes:

"Willie was born Mar. 8" Year of 1896. Male living.
Timmie was born July 14" 1899, and died Friday night September 16" 1899.
Minnie was born July 17, 1900 Thursday 12 o'clock Female.

Jim Fife
March 23, 1904."

Q When was this record made? A It was after those Commissioners came in and I taken that before them. I made this from an old record. Copied it from the Creek into the English.
Q As I understand you, this is a copy of the original record of the births and deaths of Willie, Timmie and Minnie? A Yes, sir.
Q When was the copy made? A About two years ago.
Q Who copied this from the original record? A Willie McQueen. I made the small one.
Q The one that reads "Jim Fife Mar. 3, 1904"? A Yes, sir.

Suppl.

BAFEN-45-46----2.

Q Who is Jim Fife? A A little baby.
Q Who is this Timmie? A It is one of my children. Just before Minnie.
Q Is Minnie here the child that you now call Mammie? A Yes, sir.
Q You don't call Mammie over four years old do you? A I don't know whether she is or not. I never count it over and so don't know it in my mind.
Q Who has the original record of the birth of Mammie? A It is at home but it is in the Indian Language. On paper like that.
Q You are directed to appear before the Commission with the original record of the date of the birth of Mammie? A All right.
Q How long after Timmie died until Mammie was born? A I don't know that. I made out the record of the birth and taken it and don't know the time of the death.
Q Was it the next year or the year after the next? A Timmie died in September and then the following July Mammie was born.
Q Do you consider Mammie a good sized child for her age? A I don't know.
Q Are there any other children in your neighborhood born about the same time Mammie was born? A I don't know of any although there may be. I never thought of it very much only since I have been questioned on it.
Q Are there any other children in your neighborhood born the same year Mammie was born? A George Canard's child that died was born in the same year as Mammie.
Q What was the name of Canard's child? A I have about forgotten the name. I had it in my memory when you spoke------Albert Canard.
Q What is the name of Albert's mother? A Rosanna Canard.
Q You say George Canard's child, Albert, was born the same year your child, Mammie, was born? A Yes, sir. There was a child born over here about Lumber Scott's place which was a grandchild of Lumber Scott which was born the same year that my son Timmie was born. My daughter, Mammie, was born the same year that Albert Canard, the son of George Canard, was born.
Q Do you remember of any deaths in your neighborhood the same year that Mammie was born? A Lasley Haines died the same year.
Q How old was he? A He was a pretty old man. A man with a family
Q Has he been enrolled by the Commission as a citizen? A Yes, sir. He has been filed for.
Q Did he go by any other name than Lasley Haines? A I don't know.
Q Has he an Indian name? A I don't know. I suppose he had a town name but I don't know it.
Q What town did he belong to? A Thlewathle.
Q Was he married? A Yes, sir. His wife is living.
Q What is her name? A Martha Haines.

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I, Drennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs.

Subscribed and sworn to before me this 12th day of August, 1904.

Charles N. Langen
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dustin, I. T., July 27, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Willie and Mammie Fife as citizens by blood of the Creek Nation.

SUNDAY FIFE, being duly sworn, testified as follows:

Through L. G. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Sunday Fife.
Q How old are you? A 23.
Q What is your post office address? A Dustin.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Are you the identical person who testified on July 26, 1904, in the matter of the application for the enrollment of Willie and Mammie Fife, giving his name as Sunday Fife? A Yes, sir.
Q Have you with you the original record of the dates of birth of Willie and Mammie Fife? A Yes, sir.

The witness presents a sheet of writing paper, folded so as to make four pages, All of the writing thereon is in Creek. Partly in pencil and partly in pen. The translation by L. G. McIntosh Official Interpreter is as follows:

Senora, I. T.

1. Selina February 10, was born 1891.
2. Taylor Dec. 8, was born 1894.
3. Willie March 8, was born1896.

Noah July 14 was born 1894. Noah is the name given to him by the Council and we didn't change from Noah to Timmie.

July 17, 1900, on this date Mammie was born. On Monday morning at one o'clock. This is Mammie's name. Mr. Sandy Fife is writing this.

By the Interpreter:

On the second and third pages are written the following entries:

February 10, 1891 Selena,
Dec. 8, 1894 Taylor
March 8, 1896 Willie
July 14, 1899 Timmie
July 17, 1900 Mammie.

Written on the last page is the following:-

In the Town of Thlewathle March 14, 1899, now I am going to write the names of the children both dead and living. I now write the name of Selena. This is the year in which she was born 1891.

Three of them are living. Taylor Dec. 8, 1894 was born then. Willie March 8, 1896 was born then. Noah now called Timmie July 14, 1899 was born then.

These are the last children and the record that is made of their births.

Q Is this the entry in regard to the date of the birth of Mammie? (exhibiting record) A Yes, sir.

Q This entry is written in pencil is it? A When I wrote this I didn't have the ink. This is the old record but I didn't have the ink when I wrote that.
Q You mean when you wrote the date of the birth of Mammie here? A Yes, sir.
Q So you used the pencil? A Yes, sir.
Q How long ago was this entry in regard to the date of the birth of Mammie made? A It was written down about a week after. The name was given to her by Sarah McFarland.
Q You swear positively that you made this record here of the date of the birth of Mammie within two weeks after she was born? A Yes, sir. Sarah McFarland came there and visited us and wanted to name the child and she returned home and then returned again and then she named the child Mammie and I just took a pencil and wrote the record.
Q Where is Sarah McFarland? A Living the other side of my field.
Q She is living is she? A Yes, sir.
Q Is she a Creek Citizen? A Yes, sir.
Q Can she read and write? A Yes, sir, in English.

SARAH McFARLAND, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Sarah McFarland.
Q What is your age? A I am thirty-eight years old.
Q What is your post office? A Dustin.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Eufaula Canadian.
Q Have you been enrolled by the Commission as a citizen of the Creek Nation? A Yes, sir.
Q Do you know Sunday and Louisa Fife? A Yes, sir.
Q Did you know there children, Willie and Mammie? A Yes, sir.
Q Are they both living? A Yes, sir.
Q Do you know when Mammie was born? A She was born in July, but I don't know exactly what day. In 1900.
Q Are you sure of the year? A Yes, sir.
Q How old is Mammie? A She must be about three years old. She was born in July 1900.
Q Have you any children? A Yes, sir, I have.
Q Have you any young children? A No, sir. My baby will soon be six years old.
Q What is the name of your child, six years old? A Jimmie.
Q When was he born? A 1899. I know he will be six years old the 18th day of October.
Q Did you know Sunday Fife's child called Timmie? A Yes, sir.
Q How long after he was born until Mammie was born? A Well I can't tell you that.
Q Can you tell me how many years after? A No, sir, I can't tell you how many years. I haraly ever go about them though they are close neighbors to me. But I know the child.
Q Were you present when Mammie was born? A No, sir.
Q How long after she was born before you saw her? A I expect she must have been a week and a half or two weeks old.
Q How many years ago was that? A Three years ago.
Q Do you know of any other children in this neighborhood born the same year that Mammie was born? A No, sir. I couldn't tell you of any.
Q Do you know of any persons going in this neighborhood XX the same year that Mammie was born? A I don't remember that either.
Q Think a little while? A No, sir. I don't know as there was. I--
Q Did you know George Canard's child named Alber? A Yes, sir.
Q When was he born? A I douldn't tell you when he was born.
Q He is a near neighbor of yours? A Yes, sir.

Q Do you remember whether Albert was born the same year or a different year than Mammie? A No, sir. I couldn't tell you that.
Q Did you make a record of the date of the birth of Mammie Fife? A No, sir, I didn't make a record. I just named that child. The Indians just give them a name and a prayer but I didn't set it down.
Q Did you ever name any other Indian children? A Another one that is grown now. That is Wash Riley's child.
Q Do you remember the time of the birth? A No, sir, I don't remember that.
Q Can you read and write? A Yes, sir.
Q How is it that you remember the exact month and year that Mammie was born? A Well there is several things I remember it by---- I know there was a girl----Louisa's sister that went to an orphan school at Okmulgee and when she come from school I had her stay with me and the last time she came was when Mammie was born.
Q Was that the last year that girl was in school? A No, sir. She went after that.
Q What was the girl's name? A Cinda Lowe. That is Louisa's sister.
Q How old is she? A I don't know exactly. She must be 24 or 25.
Q What other circumstances, if any, tend to fix the date in your mind? A The last time I visited that woman was when I named the baby and me and that girl had a falling out and I never spoke to that girl for three years. That is the only thing that I remember well about.
Q That was how many years ago? A Three years ago this month and any of these people will tell you all about it.
Q And was that the same month Mammie was born? A Yes, sir.
Q Is Mammie four years old? A No, sir. She is three years old.
Q Does she look to you to be as old as a four year old child? A I wouldn't swear that she looks like a four year old child.
Q If you didn't know her age how old would you say she is by looking at her? A I coulan't tell you. I might say she was going on four years old.
Q You are positive are you that it has been just three years since you and Cinda Lowe had a falling out? A yes, sir. Well as I can remember.

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I, Drennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 12th day of August, 1904.

Charles O. Swanson
Notary Public.

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IN RE

Application for Enrollment of

INFANT CHILD

Mamie Fife

as a citizen of

Creek Nation.

Approved, 190

Commissioner.

Filed March 3rd 1902

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,

of Mamie Fife, born on the 18th day of July, 1900

(Here insert name of child)

Name of Father: Sandy Fife, a citizen of the Creek Nation.

Name of Mother: Louina Fife, a citizen of the Creek Nation.

Post-office, Watonwalla I. T.

AFFIDAVIT OF ~~MOTHER~~ Father.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Sandey Fife, on oath state that I am 28 years of age and a citizen, by blood, of the Creek Nation; that I am the lawful husband of ~~wife~~ of Louina Fife, who is a citizen, by blood, of the Creek Nation, that a (male or female) child was born to me on the 18th day of July, 1900; that said child has been named Mamie Fife, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses) W. T. Angell
J. F. Lynch

his
Sandy x Fife
mark

Subscribed and sworn to before me this 28th *day of* February 1902

William S Martin
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , a , on oath state that I attended on Mrs. , wife of , on the day of , 1 ; that there was born to her on said date a (male or female) child; that said child is now living and is said to have been named

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this day of , 190 .

NOTARY PUBLIC

45 20

IN RE

Application for Enrollment of

INFANT CHILD

Minnie Fife

as a citizen of

.....Nation.

Approved..... 190

.....

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
May 13, 1903

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,
of Minnie Fife (Here insert name of child), born on the 17th day of July, 1903
Name of Father: Sandy Fife, a citizen of the Creek Nation.
Name of Mother Louisa Fife, a citizen of the Creek Nation.
Post-office Okmulgee I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
Western INDIAN TERRITORY, } District.

I, Louisa Fife, on oath state that I am 30 years of age and a citizen, by birth, of the Creek Nation; that I am the lawful wife of Sandy Fife, who is a citizen, by birth, of the Creek Nation; that a female (Male or female) child was born to me on 17th day of July, 1903; that said child has been named Minnie Fife, and is now living.

Louisa her X mark Fife

WITNESSES TO MARK:
{ Must be Two Witnesses } W. E. McGann
Geo Kennard

Subscribed and sworn to before me this 11th day of May, 1903.

J. R. Boyle
NOTARY PUBLIC.

AFFIDAVIT OF ~~Father, Sister, Physician, Midwife, or Mid-wife~~ Father & Sister only attendents at birth.

UNITED STATES OF AMERICA, }
Western INDIAN TERRITORY, } District.

I, Sandy Fife & Lucinda Low, on oath state that we attended on Mrs. Louisa Low, wife of Sandy Fife, on the 17th day of July, 1903, that there was born to her on said date a female (MALE OR FEMALE) child; that said child is now living and is said to have been named Minnie Fife

WITNESSES TO MARK:
{ Must be Two Witnesses } W. E. McGann
Geo Kennard

Sandy Fife
Lucinda Low

Subscribed and sworn to before me this 11th day of May, 1903.

J. R. Boyle
NOTARY PUBLIC.

JJB

En. 584.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Willie and Mammie Fife as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this case shows that on July 25, 1904, Louisa Fife appeared before the Commission at Dustin, Indian Territory, and made application for the enrollment of her minor children, Willie and Mammie Fife, as citizens by blood of the Creek Nation.

Further proceedings in the matter of said application were had at Dustin, Indian Territory, July 26, and July 27, 1904.

The records of the Commission show that Louisa Fife and Sunday Fife, the parents of said Willie and Mammie Fife, are identified in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, March 28, 1902, Roll Nos. 8031 and 7971 respectively.

The evidence shows that said Willie Fife was born March 8, 1896, and that Mammie Fife was born July 17, 1900; and that they were both living at the date of the application herein.

It is, therefore the opinion of the Commission that said Willie Fife should be enrolled as a citizen by blood of the Creek Nation in accordance with the provisions of the Act of Congress, June 28, 1898, (30 Stat. 495) and March 1, 1901 (31 Stat. 861), and that said Mammie Fife should be enrolled in accordance with the Provisions of the Act of Congress , June 30, 1902 (32 Stat. 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

_____

888

B. A. 45.

Muskogee, Indian Territory, September 29, 1903.

Louisa Fife,

Spokogee, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth of your minor child, Minnie Fife, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further testimony be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the date of the birth of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

Creek Mn. 584.

Muskogee, Indian Territory, January 6, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mamie and Willie Fife as citizens by blood of the Creek Nation.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Mamie and Willie Fife will be regularly listed for enrollment as citizens by blood of the Creek Nation.

Respectfully,

Chairman.

WCWelf

CR EN 585

C-2914.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Hasson, I. T., July 22, 1904.

In the matter of the application for the enrollment of Billie Proctor and Iney as citizens by blood of the Creek Nation.

HULLIE PROCTOR, being duly sworn, testified as follows:

Through L. C. McIntosh Official Interpreter:

By Commission:

Q What is your name? A Hullie Proctor.
Q What is your post office? A Hasson?
Q What is your age? A Some where about thirty-one.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q What town do you belong to? A Weogufke.
Q What is your wife's name? A Jeannetta.
Q What town does she belong to? A Pukkon Tallahassee.
Q Did you have a child named Iney? A Yes, sir.
Q Is she living? A Dead.
Q When did she die? A I don't know the date of the month but the year was 1899. Both of my children died in the same year.
Q What was the name of that other child? A They called him Billie Proctor.
Q Who was the mother of both Iney ann Billie? A Jeannetta.
Q She is your wife? A She was my wife.
Q Which died first Iney or Billie? A Iney.
Q How long after Iney died until Billie died? A Iney died and we buried her and nine days after Billie died.
Q How old was Iney when she died? A She was about four years old.
Q How old was Billie? A He was not quite two years old. I suppose he was about one year and ten months old.
Q Did you know Hotulke Emarthla? A Yes, sir.
Q Did Billie and Iney die before or after he died? A They died after.
Q Are you sure of that? A Yes, sir.
Q How long after? A I don't know exactly how long after but it was after he died. The Indian is hardly able to carry time in his memory.
Q Did they die the same year that Hotulke Emarthla died? A Near about that time.
Q Do you remember the first time Portor was elected Chief of the Creek Nation? A Yes, sir.
Q You voted didn't you? A Yes, sir.
Q Did Iney and Billie die before or after the election for Chief the year Portor was elected the first time? A After the election.
Q How long after? A It was after but I don't know how long.
Q Did they die before or after Portor's inauguration the first time? A It was after his inauguration.
Q How long after? A It was just about a month after I suppose.
Q What time of year was it when Billie and Iney died? A I think it was in theFall of the latter part of the Summer that they died.
Q Where are they buried? A Near the Weogufke Ball Ground. I went to the Grave and tried to get the head-board but it was all rotted away. It was broken off and feel down on the ground and the name was rotted off. In making out the affidavit I calculated on the date and others who knew more about it than I do helped me and we made out an affidavit. This child was born after they died.

Q What is that child's name? A Sampson Proctor.
Q How old is he? A Five years.
Q How long after Billie and Iney died until Sampson was born? A He was born about September the following year after Billie and Iney died.
Q You say you filed affidavits in the matter of the death of Iney and Billie? A Yes, sir.
Q Have you ever made an attempt to file for them? A I filed an affidavit and received reply to come up with one witness and I would have authority to file but I didn't go.
Q Have you any record of the dates of the births and deaths of Iney and Billie Proctor? A None.
Q Did you draw money for them in 1895? A I drew for Iney.
Q How long after that until they died? A The child was just crawling when I drew that money and it was grown up to be a good sized child. As large as Sampson. She talked right along.
Q What about Billie? A He could walk a little but couldn't talk.
Q You drew money for Billie in 1895 didn't you? A I don't think I did.
Q The name Billie Proctor appears upon the 1895 Pay Roll with Iney. Such being the case it was taken for granted that money was drawn for him? A I can't remember ever drawing for Billie. In making out the affidavit it was through the assistance of others who knew better about the dates and months that enabled me to make it out.
Q Is Sampson Proctor, this child here, that you referred to heretofor as having been born after Billie and Iney died, your son? A Yes, sir.
Q What was his mother's name? A Jeannetta Proctor.

JOHN BRUNER, being duly sworn, testified as follows:

Partly through L/ C. McIntosh Official Interpreter:

By Commission:
Q What is your name? A John Bruner.
Q What is your age? A About 53.
Q What is your post office? A Hasson.
Q Are you a citizen of the Creek Nation of Weogufke Town? A Yes, sir. I am a member of the House of Warriors.
Q Do you know Hullie and Jeannetta Proctor? A Yes, sir.
Q Did you know children of theirs named Iney and Billie? A I saw the children, and saw them with the children but don't know their names.
Q Do you know when they died? A I know that they died but I don't know the date of the month or year that they died.
Q Do you know whether they died while the Creek Tribal Courts were still in existance or not? A I don't know.

Hullie Proctor recalled:

By Commission:
Q Were the Creek Tribal Courts still in existance when Iney and Billie, your children, died? A It was still in existance. It was just about the close of their existance. The Land Office had about opened and people had begun to file.

---oooOOOooo---

I, Brennan C. Skaggs, on oath, state that the above and foregoing is a full, true and complete transcript of my stenographic notes as taken in said cause on said date.

Brennan C. Skaggs

Subscribed and sworn to before me this 9th day of August, 1906.

Charles N. Sawyer

Notary Public.

E.C.J.
8.8.3
En. 888

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Billie Proctor and Iney Proctor as citizens by blood of the Creek Nation.

-: SUPPLEMENTAL STATEMENT :-

The 1895 Pay Roll of the Creek Nation examined and Iney and Billie Proctor are identified on Pukkon Tulahassee pay roll of said Nation Nos. 37 and 39 respectively.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman

Muskogee, Indian Territory

November 19, 1904.

Ellis 3818

En. 565.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Billie and Inez Proctor, deceased, as citizens by blood of the Creek Nation.

-: SUPPLEMENTAL STATEMENT :-

The records of the Commission show that Sampson Proctor was born October 20, 1899.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Muskogee, Indian Territory.

November 14, 1904

Ebb.

Ex. 385

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Billie and Iney Proctor, deceased, as citizens by blood of the Creek Nation.

-: D E C I S I O N :-

The record in this cause shows that on July 22, 1904, Hullie Proctor appeared before the Commission at Masson, Indian Territory, and made application for the enrollment of his deceased minor children, Billie and Iney Proctor, as citizens by blood of the Creek Nation.

Further proceedings in the matter of said application were had November 14, 1904.

The evidence shows that said Billie and Iney Proctor died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of Billie Proctor, deceased, and Iney Proctor, deceased, as citizens by blood of the Creek Nation, and that the application for their enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman

Commissioner

Commissioner

Muskogee, Indian Territory.

Creek An 585

Muskogee, Indian Territory, January 14, 1905.

Billie Procter,

Hanson, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor children, Billie and Inez Procter (deceased), as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Secretary.

J.M.-14-P6.

Creek Mn 585

Muskogee, Indian Territory, January 14, 1905.

W. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Millie and Inez Proctor (deceased) as citizens by blood of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JTM-14-07.

Creek An 585

Muskogee, Indian Territory, January 14,1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Billie and Inoy rooter (deceased, as citizens by blood of the Creek Nation, including the decision of the Commission, dated January 5, 1905.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYL-14-05.

Cr.En.685.

Muskogee, Indian Territory, August 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On January 14, 1905, there was transmitted to the Department the record in the matter of the application for the enrollment of Billie and Iney Procter, both deceased, as citizens by blood of the Creek Nation, together with decision of the Commission in same, under date of January 5, 1905.

It does not appear from the records of this office that Departmental action has been had in this matter and it is respectfully requested that this office be advised as to the present status of the case.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

GR. LRS.LB

I.T.D. 8828-1905
17902-1906.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, September 20, 1906.

Special.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Replying to your request of August 15, 1906, for information as to the present status of the application for the enrollment of Billy and Iney Proctor, both deceased, as citizens by blood of the Creek Nation, you are advised that on August 8, 1905 (I.T.D. 8828), the Department, in accordance with the recommendation of the Indian Office of July 20, 1905 (Land 49880), affirmed the decision of the Commission to the Five Civilized Tribes dated June 14, 1905, denying the application of Hully Proctor for the enrollment of his minor children, Seleetka or Billy Proctor, deceased, and Iney or Annie Proctor, deceased, as citizens by blood of the Creek Nation.

Said letter was requested to be forwarded to you through the Indian Office.

Respectfully,

Jesse E. Wilson,
Assistant Secretary.

Through the
Commissioner of Indian Affairs.

RESIDENCE:

POST OFFICE: Thurman, Ind. Ter.

Nation. Roll.

CARD No.

FIELD No. 2711

Dawes' Roll No.	NAME.	Relationship to Person first Named	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT. Year.	District.	No.	TRIBAL ENROLLMENT OF PARENTS. Name of Father.	Year.	District.	Name of Mother.	Year.	District.
	1 Hopayochi		0	M	Full	1896	Cherokee	20	Peter Emarthla	Dead	Pecan Bayou	Unknown	Dead	Pecan Bay
Dead	2 Jeannetta Price	Dau	25	F	"	"	"	"	16 Jimmie Fixico	"	"	Mary	"	"
Dead	3 Ema	Dau	12	F	"	"	"	"	21 Lottie Proctor		Cherokee	No 2		"
Dead	4 Preston Price	Son	10	M	"	"	"	"	21 "		"	No 2		"
	5													
	6													
	7													
	8													
	9													
	10													
	11													
	12													
	13													
	14													
	15													
	16													
	17													
	18													

No 2 transferred to Card 408.

Not transferred to card No. 2766

No 1 on 1890 Roll page 179 as Hopayochi

" 2 " " " " " " Jeanetta "

" 3 " " " " " " Ema "

Nos 3 and 4 have both been dead for 30 or 4 years; do not appear on Chickasaw Census Roll.

No 2 died Nov 24 1901. Proof attached

Heirship of No 2 on Card 2711

5/23/1902.

NOV 2 1901 Dec Ten 585

OFFICE NO. 1
RECEIVED FROM Ind Ter
APR 24 1902

CR EN 586

CR EN 586

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 2, 1904.

In the matter of the application for the enrollment of Sarah Jefferson, deceased, as a Creek Freedman.

APPEARANCES: M. L. Mott, Attorney for Creek Nation:

LILLIE JACKSON, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Lillie Jackson.
Q How old are you? A Thirty-nine.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Under what name was you enrolled? A Lillie Jones.
Q Do you make application for the enrollment of Sarah Jefferson as a Creek Freedman? A Yes, sir.
Q Is she living or dead? A Dead.
Q Is she your child? A Yes, sir.
Q What is the name of her father? A Dick Jefferson.
Q Is he living? A Living.
Q Where does he live? A Cane Creek.
Q What is his post office? A Lee.
Q When was Sarah Jefferson born? A I don't know when she was born.
Q You don't know when she was born? A No, sir.
Q When did she die? A May the 6th I think.
Q What year? A I can't tell you.
Q How long has she been dead? A I think it is seven years.
Q Have you any children younger than Sarah? A Yes, sir.
Q What is the name of the next one to Sarah? A Clarence.
Q Clarence who? A Clarence Jefferson.
Q Is he living? A Yes, sir.
Q How long had Sarah been dead when Clarence was born? A I don't know.

The records of the Commission examined and it appears that Lillie Jackson is listed for enrollment on Creek Freedman Card, Field No. 919, and that her name is contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior March 28, 1902, No. 3607, under the name of Lillie Jones.

Q You have presented here the leaves of a memorandum book which purports to contain dates of birth and death of several persons. Who did this writing? A My cousin.
Q What is his name? A Albert Sears.
Q Where is he? A Down south. I don't know where.
Q When did he do this writing here? A I don't know when he done it.
Q Did he do all this writing at one time? A Yes, sir.
Q Did it all at one time? A Yes, sir.
Q Who told him about these births and deaths? A He knows them.
Q How long did he live with you? A He just comes back and forth. He aint been to my place for a year.
Q You don't know whether these dates, which he put down here, are right or not do you? A Yes, sir.
Q How do you know? A He was there.
Q Was you there to? A Yes, sir, but I can't read or write but he does and when we have a birth or death he takes it.

Q Can you get him here to testify in this case? A I could if I could find out where he is.

By M. L. Mott:
Q Who did you say made that memorandum? A Albert Sears.
Q And made it all at one time? A Yes, sir.
Q You say he made them all at one time? A Yes, sir. He has got a book to.
Q When did he make that? A Mr. I can't tell you when.
Q How long ago. How many years or months? A It has been two years.I guess. He has got a book which he keeps.
Q When did you apply for enrollment yourself? A When that first Commission was enrolling them.

By Commission:
Q Was this child living then? A Dead.
Q This child was dead then? A Yes, sir.

By M. L. Mott:
Q When you came and asked to be enrolled why didn't you ask to have it enrolled then? A I didn't know they was enrolling dead people.
Q When did you find that out? A This last January.
Q Why didn't you come up here then? A Hard times and I just kept putting it off.

By Commission:

The records of the Commission show that Lillie Jackson, under the name of Lillie Jones, waslisted for enrollment, by the Commission, in September, 1898.

By M. L. Mott:
Q You say the child died before you enrolled? A Yes, sir.
Q When you come in to enroll you say the child was dead but you didn't know they was enrolling dead people? A Yes, sir.

ETTA JONES, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Etta Jones.
Q How old are you? A Seventeen.
Q what is your post office address? A Cheoetah.
Q Are you a daughter of Lillie Jackson? A Yes, sir.
Q Did she have a child named Sarah Jefferson? A yes, sir.
Q Do you know when that child was born? A I don't know what years
Q Do you know when it died? A Don't know the year-----it was in 1899. I think it was.
Q Do you know the month? A May.
Q Do you know the day of the month? A I have forgotten the day of the month.
Q You are not positive that it died in 1899? A No, sir. I was quite small when she died.

By M. L. Mott:
Q Do you know when your mother came up to enroll? A I don't remember that. I was small.
Q Do you remember when she come in and made applicationtto be put on the roll? A Yes, sir.
Q Was Sarah dead then? A I don't know sir.
Q Was Sarah dead when she come up to enroll? A I don't know sir.

By Commission:-

The memorandum slip presented by Lillie Jackson contains, among others, the following entry in pencil:

Sarah Jefferson was born June the 6, 1898 and died May the 9, 1899.

The card in the case of Lillie Jackson shows that Etta and Frank Jones were listed for enrollment at the same time with their mother and the name of no other person appears on that card.

----------0----------

I, Drennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 18th day of August, 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 23, 1904.

SUPPLEMENTAL TESTIMONY in the matter of the application for the enrollment of Sarah Jefferson, deceased, as a Creek Freedman.

FANNIE LOVE, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Fannie Love.
Q How old are you? A Fifty-three.
Q What is your post office address? A Checotah.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Lillie Jackson? A Yes, sir.
Q How long have you known her? A All my days.
Q How far did you live from her? A About five miles.
Q Did you know a child of hers named Sarah? A Yes, sir. She was born in my house.
Q The child is dead is it? A Yes, sir.
Q How old was that child when it died? A Well I------well, it was a year old.
Q A year old when it died? A Yes, sir.
Q When was the child born? A Well I can't tell you exactly what year it was born in.
Q To you best judgment? A Near about five----four or five years since it was born.
Q You don't know what month it was born? A No, sir.
Q Have you a child named Eda? A Yes, sir.
Q Which was born first? A Sarah.
Q Sarah was born first and lived about a year? A Yes, sir.

The records of the Commission show that Eda Love was listed for enrollment by the Commission in September 1898 and that her age was then given as three years.

Q How are you positive that Sarah was born before Eda? A Yes, sir. Eda was born September 6, and she was born the May before that.

LILLIE JACKSON, being duly sworn, testified as follows:

By Commission:

Q Do you know Fannie Love? A Yes, sir.
Q Do you know a child of hers named Eda? A Yes, sir.
Q Which was born first you child, Sarah, or Eda? A Sarah.
Q How old was Sarah when she died? A About a year old.
Q About a year old when she died? A Yes, sir.

---;;;000:::---

I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 27 day of September, 1904.

Edward Merrick
Notary Public.

No. 886.

8813

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:01:-

In the matter of the application for the enrollment of Sarah Jefferson, deceased, as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 2, 1904, Lillie Jackson appeared before the Commission and made application for the enrollment of her deceased child, Sarah Jefferson, as a Creek Freedman.

Further proceedings in the matter of said application were had August 23, 1904.

The evidence shows that said Sarah Jefferson died prior to April 1, 1899.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Sarah Jefferson as a Creek Freedman, and that the Application for her enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 4 1905

COPY.

Creek En 886

Muskogee, Indian Territory, January 7, 1905.

Lillie Jackson,

Checotah, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Sarah Jefferson, deceased, as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Secretary.

JY-TB.

COPY.

Creek En 886

Muskogee, Indian Territory, January 7, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah Jefferson (deceased), as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

JY.-CC.

Creek En 586

Muskogee, Indian Territory, January 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Sarah Jefferson (deceased) as a Creek freedman, including the decision of the Commission, dated January 4, 1905.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JY.-54.

W.C.F.

DEPARTMENT OF THE INTERIOR,

Washington.

I T D 714-1905
L R S

April 10, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 7, 1905, you transmitted the record in the matter of the application for the enrollment of Sarah Jefferson (deceased) as a Creek Freedman, including your decision of January 4, 1905, rejecting said application.

Reporting January 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan
Acting Secretary

1 inclosure.

Refer in reply to the following:
Land
2220-1905

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 21,1905.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated January 7, 1905, transmitting the record of the application for enrollment as a Creek Freedman by Lillie Jackson for her deceased child, Sarah Jefferson.

January 4, 1905, the Commission decided adversely to the applicant.

The evidence shows that Sarah Jefferson died prior to April 1, 1899.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C F Larrabee
Acting Commissioner

M.M.M.
W.

D. A.

Cr.En. 866.

Muskogee, Indian Territory, April 21, 1905.

Lillie Jackson,

Checotah, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of Sarah Jefferson, deceased, as a Creek Freedman.

Respectfully,

Chairman .

D120,

Cr.En. 556.

Muskogee, Indian Territory, April 21, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application of Lillie Jackson for the enrollment of Sarah Jefferson, deceased, as a Creek Freedman.

Respectfully,

Chairman.

CR EN 587

CR EN 587

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. July 27, 1904.

In the matter of the application for the enrollment of Maud, Corinne, John, Parthena, Ford, Alonzo and Eunice Grayson, and Allen Grayson, deceased, as Creek Freedmen.

Rosie Grayson, being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Rosie Grayson
Q How old are you? A I don't know sir;I was born 4 years after the war.
Q After the Civil War? A I reckon it was the Civil War.
Q You are not making application for enrollment yourself? A No sir, it is for my husband and children.
Q How long has your husband been dead? A Three years ago or four.
Q You make application for your deceased husband and child as Creek Freedmen? A Yes sir.
Q What is the name of your husband? A Allen Grayson.
Q How long has he been dead? A Three years ago or four.
Q In what month did he die? A In June.
Q Where was he living when he died? A In Innis, Texas.
Q How long had he been living in Texas when he died? A Had been living there and here, backwards and forwards ever since we was married;I met him in '82.
Q Where did you meet him in '82? A In Texas.
Q Did you live in Texas from the time you marrieduntil he died? ANo sir, we moved here to Agency but I didn't stay here very long.
Q You moved to the Creek Nation? A I came out to the old agency--Sac and Fox Agency.
Q That is in Oklahoma? A I guess so.
Q Did he ever move back to the Creek Nation after he married? A We novr moved here but he was here often;over two or three years;we was married five years and he was here nearly every year.
Q Came here on a visit? A I guess so;he would come and stay two or three months.
Q But your home was in Texas? A My home was in Texas.
Q And he died in Texas? A Yes sir.
Q His home was in Texas at the time he died? A Yes sir.
Q You have a child named Maud? A Yes sir.
Q How old is she? A Well, I reckon she is about turned--we was married in '85 and she was born in '86.
Q What is the name of the next child? A Corinne.
Q How old is she? A She was born in '87 I think.
Q What is the name of the next child? A John.
Q How old is he? A Corinne is a year and 6 or 8 months older than John.
Q What is the name of the next child? A Parthena.
Q How old is she? A She's-- a year and a half between her and John.
Q What is the name of the next child? A Ford.
Q How old? A She is a year and 5 months younger than Parthena.
Q What is the name of the next one? A Alonzo.
Q How old? A Ford was nearly two years older than Alonzo.
Q What is the name of the next child? A Eunice.
Q How old? A Alonzo is three years nearly older than Eunice.

Q Are these children all living? A Yes sir.
Q Live with you? A No sir, there's five in Texas and two home; I come up here to see about the rights of them and of course I didn't have money to fetch them.
Q Which two are here? A Parthena and Eunice;the baby and another.
Q Where do you live? A I live on just the other side of the railroad.
Q ?In the Creek Nation? A Yes sir.
Q How long have you lived here? A A little over a year.
Q Came from Texas? A Yes sir.
Q Did any of these children ever live in the Creek Nation before this time? A No sir, not closer than the Sac and Fox Agency.
Q Are you keeping house here in the Creek Nation? A Yes sir.
Q How long have you been keeping house? A Commenced last June;for Mr. Bradley.
Q Did you come here with the intention of making this your home? A Came with the intention of getting their rights.
Q Do you know when your husband was born? A No sir.
Q Was he older than you? A Yes sir, a year or two;I don't know whether he was older or I was older.
Q You think he was a couple of years older than you? A I think so, I don't know.
Q Do you know where he was born? A No sir.
Q Never heard him say? A All I ever heard him say was the Creek Nation was his home.
Q What was the name of his father? A John Grayson.
Q Did he claim that his father was a citizen of the Creek Nation? AYes sir.
Q What was the name of his mother? A Ellen Thompson.
Q Did he claim that his mother was a citizen of the Creek Nation?
A He claimed his mother was part Indian;she didn't die here; she died in the States I reckon. I never saw his father or mother.
Q His father was a Freedman, colored man, was he? A Yes sir, he was a darky;had Indian in him.
Q Was part Indian? A Yes sir.
Q Do you know what town in the Creek Nation he claimed to belong to?
A Canadian.

Paro Bruner being duly sworn testified as follows:

Examination by the Commission:

Q Give your name, age and post office address. A My post office is at Paro, I.T.; my name is here before the Dawes Commission when I come to file.
Q What is your name? A Just get one of them yellow cards; I can't tell your name.
Q What is your name? A Paro Bruner.
Q About how old are you? A I can't tell.
Q You don't know how old you are? A I don't know;I have told it once before before this office.
Q Do you know Rosie Grayson? A No sir.
Q She has some children named Maud, Corinne, John, Parthena, Ford and Alonzo and Eunice; do you know any of these children? A No sir.
Q Are you the town king of Canadian town? A Yes sir.
Q How long have you been an officer of that town? A I am just going on my eight years.
Q I said an officer; not town king. A Its going on 10 years.
Q Wasn't you a member of the House of Warriors before you were a member of the House of Kings? A Yes sir;been town king eight years; been elected twice.
Q About how long has it been since you were first an officer of that town? A 1871.

Q You are well acquainted with the old citizens of that town? A Some of them. Sometime.
Q Did you ever know a member of that town by the name of Allen Grayson?
A No sir; I don't know him. Allen?
Q Yes sir. A Allen-- don't know him.
Q You don't remember a member of that town of that name? A No sir; if he was, I don't remember.
Q Did you ever know a woman, a member of your town by the name of Ellen Thompson? A Don't know her name.
Q You never k new a woman of that name was a member of your town? A No sir.
Q Did you ever know a man, a member of your town, by the name of John Grayson? A There is a John Grayson; that's just a young man.
Q This would be an old man that was living at the close of the War.
A That belonged to my town?
Q I want to know if you know it. A Since the War?
Q Well, along about the time of the Dunn Roll was made; was there a man in your town at that time of the name of John Grayson? A When that roll was made I was a fellow citizen just running at large.
Q What I want to get at is if you remember a man by that name?
A I don't remember; it was a John Grayson didn't belong to Canadian Colored.

Abraham Ceasar being duly sworn testified as follows:

Examination by the Commission:
Q What is your name? A Abraham Ceasar.
Q How old are you? A About 64 I think.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A All my life.
Q What town do you belong to? A Canadian.
Q Do you know Rosie Grayson? A No sir.
Q Did you ever know a man by the name of Allen Grayson? A That would be old Johnson's son. There's Sutney and Allen; Sutney was the oldest son of old man John.
Q John Grayson is dead, is he? A Yes sir.
Q Has he been dead a good long while? A Pretty good while.
Q How many years? A I can't give that without studying; I think he had three boys.
Q When did you know him? A The old man? I knowed him way along, over 40 years ago.
Q How old was that boy Sutney? A I can't te'l you.
Q Was he as old as you? A No sir.
Q He was younger than you? A Yes sir.
Q Was he born before the War or after or during the War? A I can't tell you--- he was born before the war-bound to be.
Q Was he a slave? A No sir, Sutney wasn't; couldn't be; John Grayson's son; and John Grayson wasn't no slave.
Q Wasn't he? A No sir; he was mixed colored and Indian, his mother being Indian.
Q Is Sutney Grayson dead? A Yes sir.
Q Where did he die? A I can't tell you exactly; you see I went off in the army.
Q What town did Sutney belong to? A Hillubbee town of Indians.
Q You didn't know this man, Allen Grayson? A I don't know the names; I know the children's names.
Q These people then were recognized as Creeks by blood, were they?
A Yes sir; John Grayson, Tom Grayson, Katy Grayson and Wat Grayson; all went by blood; they wasn't no slaves; the old man had some children went off; they surely belonged to Hillubbee County.

Q You are certain that John Grayson, the father of Sutney, was recognized as a Creek by blood? A Yes sir.
Q And not as a Freedman? A And not as a Freedman.

Abe Prince being duly sworn testified as follows:

Examination by the Commission:
Q What is your name? A Abe Prince.
Q How old are you? A About 60.
Q What is your post office address? A Redbird.
Q Do you know Rosie Grayson? A No sir.
Q That's this woman you saw here on the stand a while ago. A No sir, I don't know her; I knowed her husband.
Q Did you know Allen Grayson? A Yes sir.
Q When did you know him? A After the War.
Q Was he a recognized citizen, at that time, of the Creek Nation?
A Yes sir.
Q Was he recognized as a citizen by blood or as a Freedman? A Freedman.
Q What is the name of his father? A John Grayson.
Q Did he have any brothers? A Had one named Sutton Grayson.
Q Was Sutton a full brother to Allen? A Yes sir.
Q Was Sutton recognized as a Creek by blood or Freedman? A I tell you how I now it; he bound to follow his daddy.
Q How about Allen? A Creek by blood.
Q What was the name of Allen's mother? A I don't know his mother.
Q Did you ever know anybody by the name of Ellen Thompson? A No sir, don't know.
Q Allen went away from the Creek Nation after the War, didhe? A Yes sir went away after Peace declared.
Q Did he ever come back here to live, or do you know? A They say he was there;I heard he was there but I didn't see him myself.
Q Do you know whether he ever came back to live or not? A They say he did;I didn't see him.
Q About how long was he gone, do you know? A About three years.
Q Didn't live here when he died, did he? A They say he did.
Q Well, his wife said he died in Texas? A Well, I don't know about that;I don't know where he lived;I knowed the man though; I knowed his daddy and brothers too.
Q What town did he belong to" A If I am not mistaken he belonged to the Willubbee County.
Q Is that Willubbee Canadian or Ketchapatokah? A I think it was Willubbee Canadian.

Steven Colbert being duly sworn testified as follows:

Examination by the Commission:
Q What is your name? A Steven Colbert.
Q How old are you? A I don't know my age;I told them many different ways;I guess I lied a good many times; I lied when I registered at 45; You can go from that. When I first registered.
Q What is your post office address? A Clarksville.
Q Do you know Rosie Grayson? A No sir.
Q Do you know her children? A No sir.
Q Did you ever know a man by the name of Allen Grayson? A No sir.
Q Did you ever know a man by the name of Sutney Grayson? A Yes sir.
Q Was he a citizen of the Creek Nation? A I don't know really whether they was at that time; I suppose they was;they was living there on Canadian.
Q You don't know whether he was a recognized citizen or not? A No sir.
Q Did you know his father? A Yes sir; John Grayson.
Q Do you know whether he was recognized as a citizen or not? A I don't know whether he was recognized as a citizen; I know they was all raised Creeks.

Q Were they considered Creeks by blood or Freedmen? A I can't tellyou; at that time what they was; they were all free people.
Q Did you ever know anybody by the name of Ellen Thompson? A I knowed the Thompsons, but I can't tell you possibly; its been so long; it seems like I know a woman by the name of Ellen Thompson; all I want to testify to is about knowing John Grayson.
Q You don't know what town John Grayson belonged to? A No sir- the Indians at that time had different clans; small towns; I don't know.
Q You never knew Allen Grayson? A No sir.

John Barnwell being duly sworn testified as follows:

Examination by the Commission:
Q What is your name? A John Barnwell.
Q How old are you? A About 46 or 50.
Q What is your post office address? A Hitchite.
Q Do you know Rosie Grayson? A Yes sir.
Q This woman, this applicant here? A Yes sir.
Q How long have you known her? A About 4 or 5 years.
Q Where did you know her? A Here at Eufaula, the first time I met her.
Q Do you know her children? A No sir.
Q How did you become acquainted with her? A Just there in Eufaula; I stayed there about a week.
Q That's the woman, that's the applicant here? A Yes sir.
Q Do you know Allen Grayson? A If I did I don't remember.
Q Did you ever know anybody by the name of John Grayson? A Old man John?
Q Well-- A Watt Grayson's brother?
Q I don't know. A Well, that's the only John Grayson I knew.
Q What town do you belong to? A Hillubbee Canadian.
Q Did you ever know anybody by the name of Sutney Grayson? A No sir.
Q And you never knew Allen Grayson? A If I did I don't know.
Q John Grayson was a Creek by blood? A Yes sir; he was half brother to old Watt Grayson; Watt was full blood and they had different fathers.
Q Did you ever know anybody, any woman by the name of Ellen Thompson? A No sir.
Q And you never knew Allen? A man by the name of Allen Grayson? A No sir, I didn't; I don't know any but these old residents; John and Watt and their children; there's Alfred and Jim; old John has a daughter living now named Miss Baker at Bond Switch.

Applicant recalled:

By the Commission:
Q Were you ever down about Eufaula? A No sir.

John Barnwell recalled:

By the Commission:
Q Have you anything more to say? A Upon looking at the applicant, I believe this is not the woman I saw three or four years ago; I don't know this woaman.

The Dunn roll is examined and Allen Grayson not identified thereon nor is either his father or mother identified thereon.

The 1890 and 1895 tribal rolls of the Creek Nation and the 1891 and 1895 omitted rolls thereof, examined and none of the applicants identified thereon, nor is their father identified on either of those rolls.

Henry G. Hains being sworn on his oath states that as stenographer to

the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 13th day of August, 1904.

Charles H. Sawyer

Notary Public.

En. 587.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Maud, Corine, John, Parthena, Ford, Alonzo, and Eunice Grayson, and Allen Grayson, deceased, as Creek Freedmen.

-: D E C I S I O N :-

The record in this case shows that on July 27, 1904, Rosie Grayson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her children, Maud, Corine, John, Parthena, Ford, Alonzo, and Eunice Grayson, and her deceased husband, Allen Grayson, as Creek Freedmen.

The evidence shows that none of the applicants, are descendants of a person whose name is found on the roll of Creek Freedmen made by J. W. Dunn prior to March 14, 1866.

It does not appear that the applicants, or any of them, have ever been enrolled as citizens of the Creek Nation, nor does it appear that they, or any of them, have ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is therefore, the opinion of the Commission that there is no authority of law for the enrollment of Maud Grayson, Corine Grayson, John Grayson, Parthena Grayson, Ford Grayson, Alonzo Grayson, Eunice Grayson, and Allen Grayson, deceased, as Creek Freedmen, and that the application for their enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

PETITION FOR REHEARING IN RE ENROLLMENT OF MAUD GRAYSON ET AL.

To the Honorable E.A.Hitchcock,

Secretary of the Interior.

Comes now Rosie Grayson, and prays for a rehearing in the above entitled application, for the reasons hereinafter set forth.

United States of America,

Western District of Indian Territory.

I, Rosie Grayson, being first duly sworn on my oath say:

That I am a resident of the City of Muskogee, Indian Territory, and the widow of Allen Grayson, deceased, and the mother of Maud, Corinne, John, Parthena, Ford, Alonzo and Eunice Grayson, and that the above are all the children of your petitioner and of Allen Grayson, deceased.

That I was married to the said Allen Grayson, about the year 1885, and lived with him until his death about four years ago.

That on the 27th day of July, 1904, I made application for the enrollment of the above mentioned, to the Commission to the Five Civilized Tribes, at its office in the City of Muskogee.

That at the time of making the said application, I was wholly unfamiliar with the proceedings relating to such enrollment, and the things necessary to secure such enrollment, and did know what was essential to procure a proper and thorough hearing of said matter, and on account of such ignorance I failed to secure any attorney to appear with me, being informed by some of the elder citizens here, that I did not need an attorney, and that the enrollment was a very simple matter and that in fact all I needed to do was to appear before the Commission and make application.

That relying on these statements and not knowing of my own knowledge as to the things essential to be proven, I did not make any effort to secure witnesses to establish the facts I have since learned were necessary to be established. I did not attempt to secure and did not secure any of those who were wellacquainted

with my deceased husband, and with his father and mother, but only had with me such witnesses as voluntarily came with me, when I was on my way to the Commission. That I did not know it was necessary and did not have with me witnesses who could testify as to the parentage and citizenship of my deceased husband, and of his father and mother.

That since I have been rejected by the Commission, which action was approved by the Department of the Interior, I have discovred a number of people who were well and intimately acquainted with my deceased husband and with his father and mother. That the affidavits of three of such persons are attached hereto and made a part hereof.

That I am credibly informed and believe that there are a number of others residing in different parts of the Creek Nation, who were equally well acquainted with my deceased husband and his father and mother and whose attendance I will be able to secure if given another hearing in this matter.

That if given another hearing I will diligently endeavor to have the witnesses present at an early date, in order that the question as to the rights of the applicants may be speedily adjudicated.

That this application is made in good faith, not for any purpose of delay, but solely in order that I may get a rehearing of the matter, and present my evidence, touching the rights of the parties to the Commission.

That I have caused a notice of the pendency of this application to be served on M.L.Mott, esq. the Attorney of the Creek Nation, at his office in Muskogee, I.T.

Wherefore I pray for an order granting me a rehearing of this case, directing the Commission to the Five Civilized Tribes, to take testimony and give me a hearing on the question of the rights of the above named applicants to enrollment.

Rosie Grayson

Subscribed and sworn to before me this 9th day of August 1905

L.J.Roach

(SEAL)

Commission expires May 21, 1909 Notary Public

IN THE UNITED STATES OF AMERICA

WESTERN DISTRICT OF INDIAN TERRITORY

Henry Chalk, being first duly sworn on my oath say:

That I am a resident of the City of Muskogee, Indian Territory, and am a citizen of the Choctaw Nation and on the Choctaw roll. That I was well acquainted with one Allen Grayson, the deceased husband of one Rosie Grayson, and knew him since he was a small boy. I was also well acquainted with his father one John Grayson who was a Creek Indian. I knew the said John Grayson since before the Civil war, and was intimately acquainted with him. I know of my own knowledge that he was always recognized as a member of the Creek Nation and was considered by everyone. I remember of his enlisting as a soldier and going North to join the Union forces at the beginning of the war. He returned from I think Baxter Springs, Kansas afterwards and lived in the Creek Nation and died there.

I know that Rosie Grayson is the widow of the said Allen Grayson, who I know was the son of the John Grayson heretofore referred to I was also acquainted with the wife of John Grayson, whose maiden name was Ellen Thompson, and she was also an Indian and considered a member of the Creek Nation. John Grayson died several years ago I further say that the reason I did not testify in this case in the hearing before the Commission to the Five Civilized Tribes, was that I knew nothing of such hearing, and was not called on, and did not tell Rosie Grayson of the facts I have testified to here until today.

Further affiant sayeth not.

his
Henry Chalk
mark

Witness to mark

S.V.O'Hare

Subscribed and sworn to before me this 7th day of August 1905

H.G.Dunlap
Notary Public

(SEAL)

My commission expires June 28, 1908

UNITED STATES OF AMERICA,
Western District of Indian Territory.) ss. (Copy)

I, William Alexander, being duly sworn on my oath, say that I am a resident and citizen of the Western District of Indian Territory and have been such since 1863; I am 53 years of age and am on the Creek Freedman Rolls; that I have been acquainted with one, John Grayson, and knew him from 1863 up to date of death; that from the time I knew him, he has always resided in Indian Territory; that he was three-quarters blood Indian; I further state that to my knowledge he was always regarded as a member of the Creek tribe of Indians and was so considered by the members of that Tribe; that when I first knew him, he resided at Colbert Station, in the Chickasaw Nation and afterwards moved to Eufaula, in the Creek Nation, here he lived until his death; that to the best of my knowledge his death took place some 15 years ago; that I know that he was the father of one, Allen Grayson, and that I was well acquainted with Allen Grayson from the time he was a small boy til the time of his death; that I was also acquainted with the mother of Allen Grayson and the wife of John Grayson and that her name was Ellen Thompson and that she was a three-quarter blood Indian and was recognized as such by the members of the Creek Tribe; that I am acquainted with the applicant and I know her to be the wife of the Allen Grayson that I have heretofore referred to; that the reason that I did not testify at the hearing before the Dawes Commission, was because I knew nothing of such hearing until it was over and did not tell the applicant, Mrs. Grayson, of the facts I have sworn to here, til a short time ago.

Further affiant saith not. (Signed) WILLIAM ALEXANDER.
Witness to mark: his (X) mark
S.V.O'Hare; L.J.Roach.
Subscribed and sworn to this 3rd day of Aug., 1907.
Notary Public, L. J. Roach.

(Seal.

UNITED STATES OF AMERICA,
WESTERN DISTRICT OF INDIAN TERRITORY. (Copy)

I, Edward Lundin, being first duly sworn, say; that I am a resident of the City of Muskogee and am on the Creek Freedman Rolls; that I am about 79 years of age; that I have been a resident of the Creek Nation about 70 years; that I was acquainted during his life time with one, Allen Grayson, the husband of Rosie Grayson, an applicant for enrollment before the Commission; that I was acquainted with him from the time he was a small boy and that he was a Creek Indian and was generally so considered and recognized; that I was well acquainted with his father, John Grayson, having known him since long before the Civil War; that he was a full blood Creek Indian and was so consudere and recognized by the citizens here and by the Tribe; that to my knowledge he lived in the Creek Nation continuously from about 1850 til his death some 15 years ago; that I was also acquainted with his wife, Ellen Grayson, whose name was generally called Ellen Thompson, that she was a Creek Indian and was so considered and recognized by the citizens of the Tribe; that I know that the said John Grayson and Ellen Grayson-Thompson, was the mother of Allen Grayson, deceased, who was the husband of Rosie Grayson and the father of the children who are seeking enrollment; that the reason I did not testify at the former hearing before the Commission, was because I knew nothing of such a thing and did not tell Rosie Grayson of the facts I have stated here til today. Further affiant sayeth not. (signed) EDWARD (his x mark) LUNDIN.

Witnesses to mark:
D.V.O'Hare; L. J. Roach.
Subscribed and sworn to before me this 8th day of August, A.D. 1905.
(SEAL) Notary Public, L. J. Roach.
My commission expires Feby 21, 1909.

NOTICE OF APPLICATION FOR REHEARING IN MATTER OF ENROLLMENT OF MAUD GRAYSON, ET AL.

To M. L. Mott, Esq.,

Attorney for the Creek Nation.

Take notice:

That on the 14th day of August, 1905, there will be filed in the office of the Commission to the Five Civilized Tribes the petition and application of Rose Grayson, asking for a rehearing in the matter of the enrollment of Maud Grayson, et al., heretofore decided adversely to the petitioner by the said Commission to the Five Civilized Tribes. Said petition is addressed to the Honorable Secretary of the Interior at Washington, D. C. and is this day filed with the Commission to the Five Civilized Tribes at their office in Muskogee, Indian Territory.

(signed) S. V. O'HARE,
Attorney for Petitioner.

Due, legal and timely service of the above notice accepted this 14th day of August, 1905.

(signed) M. L. MOTT,
Attorney for the Creek Nation

(Endorsed on wrapper)

IN RE APPLICATION FOR ENROLLMENT OF MAUD GRAYSON, ET AL.

PETITION FOR REHEARING.

HART & O'HARE, Attorneys for Petitioners.

Creek En 587

Muskogee, Indian Territory, January 14, 1905.

Rosie Grayson,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor children, Maud, Corine, John, Earthena, Ford, Alonzo and Eunice Grayson, and your deceased husband, Allen Grayson, as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Recister.

JY.-14-25.

Hott

Creek En 587

Muskogee, Indian Territory, January 14, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Maud Grayson, et al., as Creek Freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYM-14-24.

Creek En 587

Muskogee, Indian Territory, January 14, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Maud Grayson, et al., as Creek Freedmen, including the decision of the Commission, dated January 5, 1905.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYM-14-25.

W.C.F.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D. 706-1905
L R S

April 10, 1905

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 14, 1905, you transmitted the record in the matter of the application for the enrollment of Maud, Corinne, John, Parthena, Ford, Alonzo, Eunice and Allen Grayson, as Creek Freedmen, including your decision of January 5, 1905, which was adverse to the applicants.

Reporting January 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure.

Refer in reply to the following:
Land
4266-1905

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 21,1905

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a copy of the report from the Commission to the Five Civilized Tribes, dated January 14, 1905, transmitting the record of the application, made July 27, 1904, for the enrollment as Creek Freedmen by Rosie Grayson for her children, Maud, Corinne, John, Parthena, Ford, Alonzo and Eunice Grayson and for her deceased husband, Allen Grayson.

January 8, 1905, the Commission decided adversely to all the applicants.

The record shows that no prior application has been made; that none of the applicants is a descendant of a person whose name is found on the Dunn roll and that none of the applicants has been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

W.M.M.
W.

D. 20

Cr.Rn. 887.

Muskogee, Indian Territory, April 20,1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application of Rosie Grayson for the enrollment of her minor children, Maud, Corinne, John, Parthena, Ford, Alonza and Eunice Grayson, and her deceased husband, Allen Grayson, as Creek Freedmen.

Respectfully,

Chairman.

P. O.

Cr.En. 587.

Muskogee, Indian Territory, April 20,1905.

Rosie Grayson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 10, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 5, 1905, denying the application for the enrollment of your seven minor children, Maud, Corinne, John, Parthena, Ford, Alonzo and Eunice Grayson, and your deceased husband, Allen Grayson, as Creek Freedmen.

Respectfully,

Chairman.

✓

Mn.687.

Muskogee, Indian Territory, August 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

August 23, 1905, S. V. O'Hare delivered to this office, for transmission to the Department, a petition for rehearing in the matter of the application for the enrollment of Maud, Corinne, John, Parthena, Ford, Alonzo and Eunice Grayson and Allen Grayson, deceased, as citizens of the Creek Nation.

Said motion does not set up any facts not considered by the Commission to the Five Civilized Tribes, in its decision rendered January 5, 1905 and affirmed by the Department April 10, 1905.

I have, therefore, the honor to respectfully recommend that said petition for a rehearing be denied.

Respectfully,

Commissioner.

En. 587

Muskogee, Indian Territory, October 4, 1905.

S. V. O'Hare,

Attorney for Rosie Grayson et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of September 27, 1905, the Secretary of the Interior denied the motion filed by you August 23, 1905, for a rehearing in the matter of the application of Rosie Grayson for the enrollment of her deceased husband, Allen Grayson, and her minor children, Manuel, Corinne, John, Parthena, Ford, Alonzo and Eunice Grayson as Creek freedmen.

Respectfully,

Commissioner.

En. 587

Muskogee, Indian Territory, October 4, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

[redacted]are hereby advised that under date of September 27, 1905, the Secretary of the Interior denied the motion filed by the attorney for Rosie Grayson, August 23, 1905, for a rehearing in the matter of the application for the enrollment of Allen Grayson, deceased husband of Rosie Grayson, and her minor children, Manuel, Corinne, John, Parthena, Ford, Alonzo and Eunice Grayson as Creek freedmen.

Respectfully,

Commissioner.

En 587

Muskogee, Indian Territory, October 4, 1905.

Rosie Grayson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 27, 1905, the Secretary of the Interior denied the motion filed by your attorney August 23, 1905, for a rehearing in the matter of your application for the enrollment of your deceased husband, Allen Grayson, and your minor children, Manuel, Corinne, John, Parthena, Ford, Alonzo and Eunice Grayson, as Creek Freedmen.

Respectfully,

Commissioner.

Cr.Mn. 587.

Muskogee, Indian Territory, August 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of April 10,1905 (I.T.D. 706-1905) affirmed the decision of the Commissioner to the Five Civilized Tribes dated January 5, 1905, denying the application for the enrollment of Maud, Corinne, John, Parthena, Ford, Alonzo, Eunice and Allen Grayson, as Creek Freedmen.

There is transmitted herewith for departmental consideration, motion for rehearing of said cause, filed with this office June 25, 1906.

The statements set forth in said motion are merely general in character. It is petitioned that a rehearing be granted for the reason "that they have discovered new evidence which will establish the right of the children of the said Rosa Grayson, to be enrolled as freedmen citizens of the Creek Nation."

Secretary 2.

Said motion is not accompanied by affidavit, nor is there proof of service of copy of same upon the attorney for the Creek Nation. It is not set out in said motion as to the nature of proof desired to be submitted, nor is any reason assigned for the failure to introduce such proof at the former hearing in said cause.

In view of the facts of the case, I respectfully recommend that said motion for rehearing be denied.

Respectfully,

IM-45. Commissioner.

Through the
Commissioner of Indian Affairs.

I.T.D. 14822-1906. JF Jr. JP.FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, October 15, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On August 25, 1906 (Land 69323), the Indian Office transmitted your report in reference to a motion for rehearing in the matter of the enrolment of the children of Maud Grayson , et al., as Creek freedmen, without making a recommendation in regard thereto. A copy of its letter is inclosed.

You recommend that said motion be denied.

The statements set forth in said motion are general in character and not sufficient to warrant a further consideration of the case. It is therefore denied. The motion, together with the record, has been returned for the files of the Indian Office.

Respectfully,

Thos. Ryan,

Acting Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 6 to Ind.Off.

Refer in reply to the following:

Land:77484-1905
69323-1906.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 25, 1906.

C O P Y

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to trans mit herewith a communication from the Commissioner to the Five Civilized Tribes, dated August 6, 1906, enclosing a motion for re-hearing in the matter of the enrollment of the children of Maud Grayson, as Creek freedmen. The Departmentunder date of April 10, 1905 (I.T.D. 706-1905) , affirmed the decision of the Commission to the Five Civilized Tribes denying the enrollment of Maud, Corinne, John, Parthena, Ford, Alonzo, Unice and Allen Grayson as Creek freedmen. The motion for rehearing was filed with the Commissioner on the 25th of June, 1906.

The record is herewith enclosed.

Very respectfully,

F.F.Leupp,

Commissioner.

EWR-LC

Cr.Ex.887

Muskogee, Indian Territory, October 27,1906.

Rosie Grayson,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Department under date of October 15, 1906, denied motion for rehearing filed in this office June 25, 1906, in the matter of the application for the enrollment of Maud, Corinne, John, Parthena, Ford, Alonza and Eunice Grayson, and Allen Grayson, deceased, as Creek Freedmen.

Respectfully,

Commissioner.

Cr.Mn.887.

Muskogee, Indian Territory, October 27,1906.

S. V. O'Hare,

Attorney for Rosie Grayson et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 15, 1906, denied motion for rehearing filed with this office June 25, 1906, in the matter of the application for the enrollment of Maud, Corinne, John, Parthena, Ford, Alonza and Eunice Grayson, and Allen Grayson, deceased, as Creek Freedmen.

Respectfully,

Commissioner.

Cr.En.847.

Muskogee, Indian Territory, October 27,1906.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 15, 1906, denied motion for rehearing filed with this office June 25, 1906, in the matter of the application for the enrollment of Maud, Corinne, John, Parthena, Ford, Alonza and Eunice Grayson, and Allen Grayson, deceased, as Creek Freedmen.

Respectfully,

Commissioner.

Cr.Mn. 587.

Muskogee, Indian Territory, October 27,1906.

Benjamin Martin, Jr.,
Attorney At Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of October 15, 1906, denied motion for rehearing filed with this office June 26, 1906, in the matter of the application for the enrollment of Maud, Corinne, John, Parthena, Ford, Alonza and Eunice Grayson, and Allen Grayson, deceased, as Creek Freedmen.

Respectfully,

Commissioner.

CR EN 588

CR EN 588

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 2, 1904.

In the matter of the application for the enrollment of Mary Jones as a Creek Freedman.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

MARY JONES, being duly sworn, testified as follows:

By Commission:

Q What is your name? A Mary Jones.
Q How old are you? A Thirty-four.
Q What is your post office address? A Grayson.
Q Is that in the Creek Nation? A Yes, sir.
Q Do you make application for enrollment as a Creek Freedman? A Yes, sir.
Q Where do you live? A Grayson.
Q In the Creek Nation? A Yes, sir.
Q How long have you lived in the Creek Nation? A Two years.
Q Where did you come from? A Texas.
Q Where were you born? A In Texas.
Q Did you living all your life in Texas until you come here about two years ago? A Yes, sir.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q Did you ever make application to be admitted to citizenship in the Creek Nation? A Yes, sir. When I first came but didn't know how to go at it and didn't make it right.
Q You made an application to the Commission? A No, sir, to my father and he failed to make it.
Q Did you ever come before the Commission before? A No, sir.
Q This is the first time you was ever before the Commission? A Yes, sir.
Q To what town in the Creek Nation do you claim to belong? A To the Arkansas Colored town.
Q What is the name of your father? A James Hawkins or Jim Hawkins.
Q What is the name of your mother? A Nicey Hawkins.
Q What is the name of your prothers and sisters? A Jim Hawkins, Carrie Bruner (nee Hawkins) Henrietta Butts (nee Hawkins)
Q Have you a brother named Charley? A Yes, sir.
Q Do you know whether any money was ever drawn for you in the Creek Nation or not? A No, sir. None ever drawn for me.

JAMES HAWKINS, being duly sworn, testified as follows:

By Commission:

Q What is your name? A James Hawkins.
Q How old are you? A Sixty years.
Q What is your post office? A Grayson.
Q Do you know Mary Jones? A Yes, sir.
Q Is she your daughter? A Yes, sir, she is.
Q What is the name of her mother? Nicey.
Q Is she a citizen of the Creek Nation? A No, sir.
Q She is a state woman is she? A Yes, sir.
Q Is your name on the Dunn Roll? A Yes, sir.

The Dunn Roll examined and the witness, James Hawkins, not identified thereon.

The Creek Law book of 1893 shows on page 102 that James Hawkins was admitted to citizenship in the Creek Nation by the Creek National Council in 1867.

Q Did you ever draw any money from the Creek Nation for your daughter, Mary? A No, sir.
Q Did you ever have any other person in your family named Mary Hawkins? A No, sir.
Q Never had another child named Mary? A Had one named Mary belonged to Canadian Town.
Q Is she living or dead? A Dead.
Q How long has she been dead? A A little over fifteen years.
Q Was any money ever drawn for that Mary in the Creek Nation? A Ye Yes, sir.
Q Did she live in your family? A Yes, sir.
Q Was that Mary that is dead a sister of Charley? A Yes, sir.
Q A full sister? A No, half.
Q Are you the father of both of them? A No, sir, not the father of Charley but they had the same mother.
Q Did you go to Texas during the War? A Yes, sir, I was living in Texas.
Q When did you come back? A In '67.
Q How old is this Mary here that is applying to be enrolled? A I guess about thirty-four.
Q Did you return to Texas after you came here in '67? A No, sir. Only on a visit.
Q Did Mary's mother ever live in the Creek Nation? A no, sir, never did.
Q Was Mary born before you came back in 1867 or after? A Born before I came back.
Q She would be more than thirty-four years old then? A I don't know just exactly the date but she was born before I came back.
Q Did you leave some of your children in Texas when you came back? A Yes, sir, left her with her mother.
Q Her mother didn't come? A No, sir.

The Tribal Rolls of the Creek Nation examined and the applicant not identified on any of said rolls.

Q Do you know whether application was ever made for Mary to the Creeks for citizenship or not? A No, sir, never was made. I made a step towards it once at Okmulgee but neglected it and didn't attend to it.
Q Was any application made to the Colbert Commission for her? A No, sir.
Q Was any made to this Commission about that time? A No, sir.
Q Never has been any kind of an application except this? A Except this. This is the first time.
Q In 1890 you had several of your children put on the Creek Roll why didn't you have this one put on? A She wasn't here. She was in Texas at that time.
Q Were not some of the others in Texas too? A No, sir.

WILL BATTS, being duly sworn, testified as follows:

By Commission:
Q What is your name? A Will Batts.
Q What is your age? A About 30 or 40.
Q What is your post office address? A Clearview.
Q Do you know Mary Jones? A Yes, sir.
Q How long you known her? A A couple of years.
Q Do you know who her father is? A Yes, sir.
Q You know that from what the family has told you? A Yes, sir.
Q You didn't know her when she was a child? A No sir.
Q What is the name of her father? A I haven't seen him in a long time. I knew his face but can't call his name.
Q Is the man here in the room? A Yes, sir.

Q Point him out? A That is him (pointing to James Hawkins, who has just testified to being the father of Mary Jones)
Q Has James Hawkins told you this is his daughter? A No, sir.
Q You don't know whether he recognizes her or not? A I know and heard him say he had a daughter in Texas.
Q You don't know whether this is the one or not? A I wouldn't swear it.

JAMES HAWKINS recalled:

By M. L. Mott:
Q When did you apply for your other children to be admitted? A In 1890.
Q Did you put the others on in 1890? A Yes, sir.
Q Where were they then? A They was with me over on Deep Fork.
Q Were they grown then? A Yes, sir.
Q Were any of them married? A Yes, sir, some of them.
Q Did you come here and apply for them after they were married? A No, sir. They applied for themselves.
Q Did you apply for any that wasn't married then? A Yes, sir.
Q Who was it? A My two boys, Hector and Harry.
Q How old are they? A Harry is 21 and Hector is 22.
Q Is your wife living? A Yes, sir.
Q Is she the mother of this child? A No, sir.
Q How many children have you got by the mother of this girl? A Got Jim Hawkins.
Q Are they on the roll? A Yes, sir. ..e is on the roll.
Q And two of them have the same mother as that girl? A Yes, sir.
Q Where were they? A Jim was in Texas.
Q And this Girl was in Texas? A Yes, sir.
Q Why didn't you have the girl put on when she was in Texas? A Just neglected it.
Q The boy was in Texas? A Yes, sir.
Q You didn't neglect him? A No, sir, but I didn't have him put on the roll.
Q Why didn't you have her put on when you had the boy put on? A The reason I didn't put her on I asked the Commission at Okmulgee----------
Q Now why didn't you have the girl put on the Creek Roll? A I went to Texas and got him and brought him back.
Q Why didn't you bring the girl back and put her on? A She was married.
Q Did you tell her about it? A Yes, sir.
Q Why didn't she come when you told her about it? A She was living with her husband.
Q Where is her husband now? A In Texas.
Q Are they living together? A Yes, sir. When she is at home.
Q How long has she been here? A Been here. She just lately come. Just made a visit yesterday week.
Q When is she going back? A She come to make this her home.
Q Did you send for her? A Yes, sir. I wrote for her to come and see about her citizenship.
Q You know her husband? A Yes, sir.
Q What does he work at? A He is a farmer.
Q Does he own a farm there? A Yes, sir.
Q What size farm? A I don't know. Pretty large farm.
Q Pretty good farm? A Yes, sir.
Q He is there on that now? A Yes, sir.

Mary Jones Recalled:

By M. L. Mott:

Q Are you and your husband separated? A No, sir. We are not living together like we ought to.
Q Do you go down there to see him? A Yes, sir.
Q Does he own a farm there? A Yes, sir.
Q Do you go to see him sometimes? A No, sir, we are separated. I go down there sometimes.
Q What do you go for? A I get an aunt down there.
Q How long have you been here? A About two years. Papa he got it tangled up.
Q Why haven't you attended to this before? A Just been putting it off and been living in Texas and heard I could not get enrolled.
Q You have been here two years? A Yes, sir.
Q Why didn't you attend to it before this? A Just thought it cost a good deal of money and put it off.
Q Have you any children? A One child.
Q Where is it? A He lives with his father.
Q Do you see it when you go down there? A It has been a good while
Q Did you see him the last time you was down there? A I stayed there about three weeks.
Q You stayed where the boy was about three weeks? A No, sir. I stayed with my aunt and the boy stayed with his father.
Q Do you swear that you don't go to your husband's house when you go there? A No, sir. I don,t go there.
Q What did you separate for? A I don:t know, sometimes one cant get along.
Q Have you got a divorce? No response.

By Commission:

The records of the Commission and of the Colbert Commission examined and no application appears to have been made for admission to citizenship of the applicant herein.

----------:O:----------

I, Brennan C. Skaggs, on oath, state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Brennan C. Skaggs

Subscribed and sworn to before me this 13th day of August, 1904.

Wm L Martin Jr.
Notary Public.

Mu. 588.
E.C.4.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Mary Jones as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on August 2, 1904, Mary Jones appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman.

The evidence shows that the applicant was thirty-four years old at the date of the application herein and that she is not the descendant of a person whose name is found on the roll made by J. W. Dunn prior to March 14, 1867.

The evidence further shows that said Mary Jones was born in Texas; resided in that state continuously for a period of Thirty-two years, then removed to the Creek Nation where she had continuously resided for two years immediately preceding the application herein.

It does not appear that the applicant has ever been enrolled as a citizen of the Creek Nation, nor does it appear that she has ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

The Act of the Creek National Council approved October 26, 1889, provides: (see laws 1893, Section 295).

"All persons who were born, or who may be hereafter born, beyond the limits of the Indian Territory, and may have heretofore been entitled to make application for citizenship, on account of Indian blood or tribal adoption, and who have continuously resided beyond or outside of the jurisdictional limits of the Muskogee Nation for the period of Twenty-one years, are hereby declared aliens, and not entitled to citizenship in the Muskogee, Nation, or to any of the privileges thereof.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Mary Jones as a Creek Freedman, and that her application for enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Chairman.

Commissioner

Commissioner

Muskogee, Indian Territory.

(COPY)

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF MARY JONES AS A CREEK FREEDMEN.-----

------MOTION TO REVIEW.-----

Comes now Mary Jones, by Donovan & Griesel, her attorneys and moves the HONORABLE SECRETARY of the INTERIOR for a REVIEW of the Decision of the Department of April 27, 1906, in the matter of her application for enrollment as a Creek Freedman, for the reason that said Decision was apparently based upon an error of fact and of law, and for the further reason that the Act of Congress of April 26, 1906 referred to in said decision has absolutely no bearing on the facts in this case and in the decision of the Commission to the Five Civilized Tribes.

(Signed) Mary Jones, by

Donovan & Griesel

ATTORNEYS for applicant.

------ARGUMENT------

The Department in its decision calls attention to Section 2, of the Act of April 26, 1906. We cannot see how this section has any bearing upon this case, and the Commissioner evidently takes the same view for in his communication to us he refers to and quotes Section 3 and not Section 2.

But Section three has no bearing upon the matter. The portion of Section Three quoted by the Commissioner in his letter advising us of the Department's action is as follows:

"That the approved roll of Freedmen shall include only those persons whose names appear on the Roll prepared by J. W. Dunn under authority of the United States prior to March 14th, 1867, and their descendants born since said roll was made and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said Roll, and their descendants born since said admission, except such, if any, as have been heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

The Commission in its decision of February 28, 1908, found

"The record in this case shows that on August 2nd, 1904, Mary Jones appeared before the Commission and made application for enrollment as a Creek Freedman.
The evidence shows that the applicant was thirty four years old at the date of the application herein. etc."

It therefore appears from the decision of the Commission that Mary Jones was born in 1870.

The evidence in the case shows that the applicant is the daughter of James Hawkins, and that James Hawkins was admitted to citizenship by the Creek Council in 1867. Thus Mary Jones was born three years subsequent to the admission of her father.

The decision of the Department then, could only be based on the assumption that this admission in 1867 was prior to March 14th, of that year. This is not shown by the evidence and we venture to say that the presumption is that the admissions in 1867 were made for the purpose of caring for those who were erroneously omitted from the Dunn Roll and that they were made after the Dunn Roll was made.

The fact, of which judicial notice should be taken, is that all these admissions of 1867 were made in the month of October dur-

ing the regular session of the Creek Council.

Mary Jones was not denied by the Commission because of her having been born prior to the date of the admission of her father, it was specifically found that she was born three years after her father's admission. She was denied by the Commission solely on the grounds of Non-Residence. On that point we refer the Department to our former brief.

If the Department continues to hold that the Act of April 26, 1906, has some bearing on this case, we respectfully ask to be advised just what that bearing is.

RESPECTFULLY SUBMITTED,

(Signed) Donovan & Griesel

ATTORNEYS FOR APPLICANT.

I, M. L.Mott, National Attorney for the Creek Nation, acknowledge service by copy of the within Motion for Review and argument in the matter of the application for the enrollment of Mary Jones as a Creek Freedman.

(Signed). M. L. Mott,

Attorney for Creek Nation.

May 10, 1906.
Muskogee, I.T.

COPY.

Cr En 508

Muskogee, Indian Territory, February 21, 1908.

Mary Jones,

Grayson, Indian Territory.

Dear Madam:

There is enclosed herewith one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to yourself soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

he iston.
JY-21-dea

COPY.

Cr An 580

Muskogee, Indian Territory, February 21, 1905.

M. L. Mott,
Attorney for the Creek Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Jones as a Creek freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

JY-21-F.

COPY.

Of An 588

Muskogee, Indian Territory, February 21, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of [illegible] for the enrollment of [illegible] as freedmen, including the decision of the Commission, dated February 1, 1906.

Respectfully,

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

JYP-A-1-6.

COPY J.P.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.1603-1906.
LRS.

February 24, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter dated April 8, 1905, to the commission to the Five Civilized Tribes, relative to the Creek freedman enrollment case of Mary Jones, you are advised that a motion for review has been filed in said case.

Respectfully,

Thos Ryan
First Assistant Secretary.

Refer in reply to the following:
Land.
15339-1905

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, March 2, 1905

The Honorable,

The Secretary of the Interior,

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 21, 1905, transmitting the record of the application, made August 2, 1905, for enrollment as a Creek Freedman by Mary Jones.

February 20, 1905, the Commission decided adversely to the applicant.

The record shows that no prior application has been made; that the applicant is thirty four years old and was born and resided in the State of Texas for thirty two years and that she has never been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

M.M.M.
W.

W. C.V.

I.T.D. 2178 -1905
L R S

DEPARTMENT OF THE INTERIOR,
Washington, April 8, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 21, 1905, you transmitted the record in the matter of the application for the enrollment of Mary Jones as a Creek Freedman, including your decision of February 20, 1905, rejecting said application.

Reporting March 2, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan

Acting Secretary

1 inclosure.

D, 2

Cr.Fr.588.

Muskogee, Indian Territory, April 19, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 20, 1905, denying the application for the enrollment of Mary Jones, as a Creek Freedman.

Respectfully,

Chairman.

R 20.

Cr.Fr. 588.

Muskogee, Indian Territory, April 19, 1905.

Mary Jones,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated February 20, 1905, denying the application for the enrollment of yourself as a Creek Freedman.

Respectfully,

Chairman.

588

COPY J.F.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.1803-1906.
LRS.

February 24, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Referring to departmental letter dated April 8, 1905, to the commission to the Five Civilized Tribes, relative to the Creek freedman enrollment case of Mary Jones, you are advised that a motion for review has been filed in said case.

Respectfully,

Thos Ryan
First Assistant Secretary.

588 J.F.Jr.,

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 5248-1906. April 4, 1906.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

February 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Mary Jones as a Cree freedman.

Reporting March 29, 1906, the Indian Office recommended that the Commissions decision, adverse to the applicant, be approved. A Copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision dated February 20, 1905, is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inclosure.

DEPA RTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
27103-1905
18497-1906.

March 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of February 24, 1906, I.T.D. 1803, the record relative to the application of Mary Jones for enrollment as a Creek freedman is enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

J P

DEPARTMENT OF THE INTERIOR,
WASHINGTON. April 27, 1906

I T D 2178-1905
1803-1906
IRS

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory

Sir:

The Department has considered the motion for review in the matter of the application of Mary Jones for enrollment as a Creek freedman, of the filing of which motion you were advised February 24, 1906.

Attention is called to section 2 of the Act of Congress of April 26, 1906, relative to Creek freedmen.

No reason appearing why the decision of the Department of April 8, 1905 should be disturbed, the motion is denied. It was filed by Donovan & Griesel, of Muskogee, Indian Territory.

Advise them of the action taken.

Respectfully,

Thos Ryan
First Assistant Secretary.

Muskogee, Indian Territory, May 8, 1906.

Donovan & Griesel,

Attorneys for Mary Jones,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that under date of April 27, 1906, the Department denied the motion for review, filed by you, in the matter of the application for the enrollment of Mary Jones as a Creek freedman.

In this connection your attention is invited to that portion of section 3 of the act of Congress approved April 26, 1906 (Public-129) relative to Creek freedmen which reads as follows:-

> "That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any,

as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

Respectfully,

Acting Commissioner.

22199

JFJr.LLB JP.

I.T.D.5309,
5385-1906.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, May 28,1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of April 27,1906, in the matter of the application of Mary Jones for enrollment as a Creek Freedman, there is transmitted herewith a motion for review, together with the record in the case, which are inclosed for your report and recommendation.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Muskogee, Indian Territory, July 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of April 27, 1906, denied the motion for review filed by Messrs. Donovan & Griesel, attorneys for applicant, in the matter of the application for the enrollment of Mary Jones as a Creek freedman, and instructed that this office notify said attorneys of the action taken, calling attention to the provisions of section 2 of the act of Congress of April 26, 1906, relative to Creek freedmen.

May 8, 1906, a letter was addressed by this office to Messrs. Donovan & Griesel advising them of Departmental action in this matter. It appearing from the record that the provisions of section 3 of the act of Congress approved April 26, 1906, were especially applicable in this case, reference was made to said section.

May 28, 1906, the Department referred to this office for report and recommendation a second motion for review in the matter of the application for the enrollment of Mary Jones as a Creek freedman, also transmitting record in the case.

The statements set forth in the motion last referred

to as grounds for review, are that said decision of the Department was apparently based upon an error of fact and of law and for the further reason that the act of Congress of April 26, 1906, referred to in said decision, has no bearing upon the facts in the case.

Attorneys for applicants, in the argument accompanying said motion, made reference to that portion of the decision of the Commission of February 20, 1905 reading as follows:

> " The evidence shows that the applicant was thirty four years old at the date of the application herein,"

and state that " it therefore appears from the decision of the Commission that Mary Jones was born in 1870;" that "Mary Jones was born three years subsequent to the admission of her father".

The record in this case shows that on August2, 1904, Mary Jones appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for enrollment as a Creek freedman and testified that she was thirty four years of age on said date. James Hawkins, the father of said applicant, testified in the same proceeding that he was living in Texas during the War; that he returned to the Creek Nation in 1867; that his daughter, Mary Jones, was born before he returned to the Creek Nation; and in answer to the question,"She would be more than thirty four years old then?" stated, " I don't know exactly the date but she was born before I came back". He further stated that he left his daughter Mary with her mother in Texas.

It is evident that the finding of the Commission in its decision of February 20, 1905, as to the age of the applicant was in error; that the weight of evidence conclusively establishes the fact that said Mary Jones was born prior to the admission of

her father, James Hawkins, by the Creek National council in the year 1867. The evidence further shows that said applicant did not remove to the Creek Nation until the year 1902.

Reference is made to Departmental decision of June 20, 1906 (I.T.D.3160-1904, 5902-1906, 10698-1906), denying a motion for review and reopening in the matter of the application for the enrollment of Louvica Tunnell, et al., as citizens of the Creek Nation, in which the Department held,

> "that she was born beyond the limits of the Indian Territory and though she may have heretofore been entitled to make application for citizenship on account of Indian blood or tribal adoption, she has continuously resided beyond and outside of the jurisdictional limits of the Muskogee Nation for a period of over twenty one years, and by section 1 of the act of the Creek National council, approved October 26, 1889 (see Constitution and Laws of the Muskogee, Nation,1890, page 177), she is declared to be an alien, not entitled to citizenship in the Muskogee Nation or any of the privileges thereof."

In view of the above provision, I am of the opinion that said Mary Jones is clearly not entitled to enrollment as a Creek freedman.

I am further of the opinion that that portion of section 3 of the act of Congress approved April 26, 1906 (Public No. 129), having reference to Creek freedmen is applicable in this case and respectfully recommend that the motion for review filed herein be denied.

Said motion, together with the record in the case, is returned herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

FHE. LRS.

I.Y.D.10621-1906
5385- "

DEPARTMENT OF THE INTERIOR

WASHINGTON, August 27,1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On May 28,1906, the Department referred to you for report and recommendation, together with the record, a motion for review in the Creek freedman enrollment case of Mary Jones, et al.

You are requested to submit an early report in the matter.

Respectfully,

Jesse E.Wilson,

Assistant Secretary.

Through the
Commissioner of Indian Affairs.

Refer in reply to the following:
Land: 86635-1906.

Copy

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Sept. 20,1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of April 26, 1906, denied the motion for review filed ~~in~~ by Messrs. Donovan & Griesel, attorneys for applicant, in the matter of the application for the enrollment of Mar y Jones as a Creek Freedman.

On May 10, 1906, a second motion for review and argument was filed by Messrs. Donovan & Griesel, attorneys for applicants.

The Department, under date of Ma 28, 1906, referred the second motion for review to the Commissioner to the Five Civilized Tribes for report and recommendation.

I now have the honor to transmit for your consideration the above mentioned motion for review, the record in the case and report of the Commissioner to the Five Civilized Tribes.

This Office concurs in the recommendation of Commissioner Bixby, that the motion for review be denied for the reasons set out in the report transmitted herewith.

Very respectfully,

C.F.Larrabee,

Acting Commissioner.

E.B.M.-NL.

I.T.D. 5309-1906
18576- "

FHE. JP JR. JP.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 29, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On September 20, 1906 (Land 56635), the Indian Office transmitted your report of July 3, 1906, together with a motion for review and the record in the matter of the application for the enrollment of Mary Jones as a Creek Freedman. You refer to departmental decision of June 20, 1906, in the case of Louvica Tunnell, and to section 3 of the act of Congress approved April 26, 1906 (34 Stat., 137), and recommend that said motion be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

Said motion is hereby denied and you are requested to so advise the parties in interest. The record and papers in the case have been returned for the files of the Indian Office.

Respectfully,

Thos. Ryan,

Acting Secretary.

Through the
Commissioner of Indian Affairs.
1 inc. and 4 to Ind.Of.

546

Muskogee, Indian Territory, October 11, 1906.

Mary Jones,

Grayson, Indian Territory.

Dear Madam:

You are hereby advised that under date of September 20, 1906, the Department denied motion for review in the matter of the application for the enrollment of yourself, as a Creek Freedman.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 11,1906.

Irwin

Messrs. Donovan & Grigsel,

Attorneys for Mary Jones,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that under date of September 20, 1906, the Department denied motion for review in the matter of the application for the enrollment of Mary Jones, as a Creek Freedman.

Respectfully,

Commissioner.

Cr En 588

Muskogee, Indian Territory, September 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter under date of August 27, 1906 (I.T.D. 10621, 5388-1906), requesting that an early report be submitted upon motion for review referred to this office May 28, 1906, in the Creek freedman enrollment case of Mary Jones, et al.

In reply I have the honor to advise that under date of July 3, 1906, a report was transmitted to the Department in this matter, a copy of which is enclosed herewith.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

CR EN 589

CR EN 589

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T.July 27, 1904.

In the matter of the application for the enrollment of Beatrice Sango, deceased, as a Creek Freedman.

(The office of the Attorney for the Creek Nation was communicated with and the Commission was informed that he was not in.)

Philip Sango being duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Philip Sango.
Q How old are you? A Twenty-five.
Q What is your post office address? A Twine.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Pearly Sango.
Q When were you married? A In 1900.
Q What month? A In March.
Q Did you get a marriage license? A Yes sir.
Q Where? A Here at Muskogee.
Q What is the name of your wife before you married? A Pearly Vaughn.
Q Is your mother named Eliza? A Yes sir.
Q Do you make application for the enrollment of Beatrice Sango? A Yes sir.
Q Is she living or dead? A Dead.
Q Are you the father of that child? A Yes sir.
Q When was she born? A February 8,,1901.
Q Is she living? A No sir.
Q When did she die? A October 6, 1901.
Q Why is you haven't filed for this child before now? A Cause they told me no new borns couldn't get in.
Q Who told you that? A Heard it all around.
Q Have you any other children? A No,sir.
Q Did you ever have any more besides this one? A No sir.
Q How long has that child been dead? A I never counted up but she was dead October 6, 1901;I can't tell.
Q I am asking you how long has the child been dead? A Some thing over three years I guess.
Q How old was the child when it died? A So as I am between 8 and 9 monts old.
Q Have you a brother named York? A Yes sir.
Q Is he married? A Yes sir.
Q Got any children? A No sir; he had one died.
Q Which died first, this child or yours? A His.
Q Have you a sister named Carrie? A Yes sir.
Q She have any children? A Yes, one died.
Q Which died first? A Hers.
Q How long first? A I can't remember that.
Q Did you make any record of the date of the birth and death of this child? Did you write it down anywhere? A Yes sir.
Q Where? A Where? On a piece of paper.
Q When? A In the same time the child died.

Q What became of that piece of paper? A Its out here in the hall.
Q Did you write that on that piece of paper? A Yes sir; R.J.Manuel had got it.

Examination by W. C. Robertson:

Q Mr. Manuel-is he related to you in any way? A Not as I knows of;I have knowed him along time.
Q How near does he live to you? A We live on the same section.
Q How long has he lived that near you? A About 2 or 3 years I think; it was not long since we moved nac there.
Q How near did he live to you before he moved? A Not long; He was a preacher, and was always going.
Q He is a minister? A Yes sir.
Q Was he present at the time your child was buried? A Yes sir.
Q Did you have any funeral service? A No sir.
Q You spoke about your brother, York's child dying; about how long has it been dead? A I can't remember that hardly.
Q Do you remember what year it died? A No sir.
Q You know that it died at a date that it wasn't entitled to enrollment don't you? A I think so;yes sir:

By the Commission:

Q Who wrote that on that piece of paper? A R. J. Manuel.
Q Did you see him write it? A Yes sir.
Q Wrote on there about the birth anddeath? A Yes sir.

Robert G. Manuel being sworn testified as follows:

By the Commission:

Q What is your name? A Robert G. Manuel
Q How old are you? A Forty.
Q What is your post office address? A Twine.
Q Do you know Philip Sango? A Yes sir.
Q Know his wife? A Yes sir
Q What is her name? A Pearly Sango.
Q Did you know a child of theirs, Beatrice? A Yes sir, the child was born.
Q You knew the child? A Yes sir.
Q Do you know when that child was born? A In February.
Q What year? A '91.
Q 1891? A 1901, I mean.
Q The child is dead, is it? A Yes sir.
Q When did it die? A October, 1901.
Q Did you make a record? A No sir, I didn't.
Q You have made no record of the date of the birth and death of that child? A No sir.
Q Did you live close to them at the time that child was born? A Yes sir they were staying on the end of my allotment.
Q Have you any young children? A No sir, I haven't any.
Q How long has that child been dead? A From 1901;this is 190.. 190. would be a year, and 190. would be two years and a little over.
Q And you made no record? A No sir, I never made any record.
Q Were you present when the child died? A Yes sir, not at the house, though;I was at home; I attnded the funeral.

Q Are you a preacher? A Yes sir.
Q Did you have any services at the grave? A Yes sir.
Q Do you know whether Philip Sango and Pearly were married or not?
A Yes sir, I marriedthem.
Q You performedthe ceremony? A Yes sir.
Q They had a license, didthey? A Yes sir.
Q How long was that before that child was born? A A year.

Examination by W.G.Robertson:
Q Are you related in any way to Philip Sango? A They claim to be but I don't know really. The older folks claim that we are far off.
Q You say you performed the marriage ceremony? A Yes sir.
Q Was it as much as a full year before the birth of the child that they were married? A Yes sir.
Q In what month were they married? A I can't think now;cause all my books were burnt;I always recorded it in a book, but all my books and things I burnt.
Q Then you can't be positive as to it being a full year or a little more than a year? A No sir, I cannot.
Q Well, can you remember about what month they were married? A It may be about March;if I am not mistaken.
Q Then, if the child was born in February it would be a little less than a year after the marriage that the child was born; it would be 11 months; if they were married in March and the child was born the next February it would be about 11 months? A Yes sir;I don't know positive;I think it was about a year.
Q Are you at all interested in the enrolling of this child? A No sir, not at all; not,interested whatever.
Q There has been no contract or agreement by which you are to receive any benefits from the enrollment at all? A No sir, none.
Q What do you know about the time the child was born, if anything; have you any information about the time the child was born? A Well, from all accounts-- the mid-woman was my sister; she come down to my house in February.
Q The date that you have given here, 1901? A Yes sir.
Q Then how long was it after that until you seen the child that was reported to have been there at that time? A ?I never seen the child till the lady was up walking around.
Q Two or three weeks then? A Yes sir, a month.
Q Then did you frequently see the child up until its death? A No sir, not until its death; I was away from home most of the time.
Q You did see it at different times from the time of its birth until its death? A Yes sir.
Q Did you ever learn what its name was; whether they had given it a [illegible] name? A Yes sir.
Q What did they call it? A Beatrice.
Q You spoke of having services at the funeral;what kind of services; did you have anything more than song and prayer? A Song and prayer and exhort.
Q A few words? A Yes sir.

By the Commission:
Q You are positive that child was born in February, are you? A Yes sir
Q Why is it you are positive as to the date of the birth of that child and you are not positive as to the date you married these people?
A Cause it was in the latter part of winter I heard she was sick and my sister was sent for.

Q What part of winter or of the year was it when you married them?
A In the spring.
Q Why would that attract your attention any more as to the exact time than the marrying of these people where you performed the ceremony yourself? A Yes sir, I did.
Q Why is it you can fix that? A I say it was in March.
Q But you say positively that the child was born in February. A Yes sir.
Q I want to know why it is you can fix the date of the birth in February, and you don't fix the date of the marriage; I can't understand why one of these facts was fixed on your mind beter than the other.
A Many times a person remember most things, and some things I don't remember.

Examination by Mr. Robertson:
Q Where were they married? A At the girl's mother's house.
Q Where did she live at the time? A With her mother.
Q Where did her mother live? A Muskogee was the nearest place.
Q Did they live right in Muskogee? A No sir; about 12 miles west of here.

Pearly Sango being duly sworn testified as follows:

Examination by the Commission:
Q What is your name? A Pearly Sango.
Q How old are you? A Twenty four.
Q What is your post office address? A Twine.
Q Are you the wife of Philip Sango? A Yes sir.
Q You are not a citizen of the Creek Nation yourself? A No sir.
Q When were you and Philip married? A March.
Q What year? A 1900.
Q Know the day of the month? A No sir, don't remember.
Q Are you the mother of Beatrice Sango? A Yes sir.
Q Is Philip the father? A Yes sir.
Q When was she born? A 1901.
Q Give the month and day? A February 8, 1901.
Q When did she die? A October 6th.
Q Of the same year? A Yes sir.
Q How old was the child when she died? A You can count from February.
Q Well, you ought to know how old the child was. A Nearly 8 or 9 months old.
Q Why is it that application has not been made to have this child enrolled before now? A I don't know sir.
Q Didn't you ever talk it over at home? A We talked about it but haven't come.
Q Well, did you hear any reason why he didn't come? A No sir.
Q Was there any record ever made of the date of the birth or death of this child? A I never.
Q Don't you know whether anybody ever wrote it down or not? A My sister in law wrote it down but we lost it.
Q What is her name? A Parry Sango.
Q Is she here? A Yes sir.
Q Has Parry got any children? A They are dead.
Q Did the children die before yours did? A Yes sir.
Q He died before yours? A Yes sir.
Q How long before was it that the last one died? A I can't tell you.

Parry Sango being duly sworn testified as follows:

By the Commission:
Q What is your name? A Parry Sango.
Q How old are you? A 27.
Q What is your post office address? A Twine.
Q Are you a sister of Philip Sango? A Yes sir.
Q When were he and his wife, Pearly, married, do you remember? A I remember-- I don't know the day but I know it was in March, 1900.
Q Did you come yourself and file on your own land? A Yes sir;I filed on my own land;I didn't select my own land; they told me it was good land.
Q You came here to the office and filed yourself? A Yes sir.
Q Were Philip and Pearly married when you came to file? A I don't remember what time I came and filed;they were married in 1900;I don't know what year or what time I am filing.
Q Do you live at home with your mother? A No sir; I am married now.
Q Did you live at home with her when you filed? A No sir.
Q How far did you live from home when Philip was married? A When he was married I was married too.
Q Philip lived with his mother, when married, was he? A Yes sir.
Q How far did you live from him when he was married? A a quarter of a mile.
Q Don't you remember when you left home to come here and file whether Philip was married or not? A No sir, he wasn't married when I come here to file; I can't tell when I come here to file; I had my baby when I come to file.
Q What is the name of your child? A Dora Roberson.
Q Is that child filed? A No sir.
Q Is she dead? A Yes sir.
Q Which child is older, Beatrice, or yours? A Mine.
Q How old is your child? A Five years.
Q Is that your youngest child? A No sir.
Q How old is your youngest child? A Four years I think.
Q How old was Phillips' child when it died? A I can't tell the month; he was between 8 and 9 months.
Q What month did he die in? A October.
Q Do you remember the day of the month? A 6th.
Q Did you make a record of the date of the birth and death of that child? A Yes sir, I had a paper about the birth and death too, but after I lose the book; I moved out by Tristow, I got it misplaced and never seen it more.
Q Were you present when the child was born? A Yes sir.
Q Were you present when the child died? A Yes sir;right at the funeral time.

The records of the Commission show that Philip Sango is listed for enrollment on Creek Freedman card 766, and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior April 15, 1905, Roll No. 1041.

Henry A. Haines, being duly sworn on his oath states that he is a stenographer to the Commission to the Five Civilized Tribes, and reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry A. Haines

Subscribed and sworn to before me this 13th day of August, 1906.

Charles F. Ostergood
Notary Public.

IN RE

Application for Enrollment of

INFANT CHILD

Beatrice Daugo

as a citizen of

Creek Nation.

Approved 190

.....

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

..... 190

.....

CHAIRMAN.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Creek Nation,

of Beatrice Sango (Here insert name of child), born on the 8th day of Feb, 1901

Name of Father: Phillip Sango, a citizen of the Creek Nation.

Name of Mother: Pearly Sango, a citizen of the U.S. ~~Nation~~

Post-office Tuwin

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Pearly Sango, on oath state that I am 24 years of age and a citizen, by ~~blood~~, of the U.S. ~~Nation~~; that I am the lawful wife of Phillip Sango, who is a citizen, by adaption, of the Creek Nation; that a female (Male or female) child was born to me on the 8th day of Feb, 1901; that said child has been named Beatrice Sango, and is now ~~living~~ dead

her
Pearly X Sango
mark

WITNESSES TO MARK:

(Name of Two Witnesses) Alex Poog

Subscribed and sworn to before me this 27th day of July, 1901

W. E. Martin Jr.
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, , on oath state that I attended on Mrs. , wife of , on the day of , ; that there was born to her on said date a (Male or Female) child, that said child is now living and is said to have been named

WITNESSES TO MARK

(Name of Two Witnesses)

Subscribed and sworn to before me this day of , 190

NOTARY PUBLIC

IN RE
THE DEATH OF

Beatrice Sango

a citizen of the

Creek Nation.

Approved ____ 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

CHAIRMAN

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Beatrice Sango
(Here insert name of deceased.)

a citizen of the Creek Nation, who formerly resided at or near

Irwine
(Here insert name of postoffice.)
, Ind. Ter., and died on the 6th day of

October, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Pearly Sango, on oath state that I am 24 years of age and a ~~citizen, by~~ non citizen, ~~of the~~ ~~Nation~~; that my post office address is Irwine
(Here insert name of post office.)
, Ind. Ter.; that I am mother of Beatrice Sango,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)

who was a ~~citizen, by~~ Freedman, of the Creek Nation; and that said Beatrice Sango
(Here insert name of deceased.)
died on the 6th day of

October, 1901. her
Pearly X Sango
mark.

WITNESSES TO MARK:

(Must be Two Witnesses.) Alex Posey

Subscribed and sworn to before me this 27th day of July 1901.

Wm. T. Martin Jr.
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Western District.

I, Parry Sango, on oath state that I am 27 years of age, and a ~~citizen, by~~ Freedman, of the Creek Nation; that my post office address is Irwine
(Here insert name of post office.)
Ind. Ter.; that I was personally acquainted with Beatrice Sango
(Here insert name of deceased.)

who was a ~~citizen, by~~ Freedman, of the Creek Nation; and that said Beatrice Sango
(Here insert name of deceased.)
died on the 6th day of

October, 1901. her
Parry X Sango
mark.

WITNESSES TO MARK

(Must be Two Witnesses.) Alex Posey

Subscribed and sworn to before me this 27 day of July 1901.

Wm. T. Martin Jr.
Notary Public.

J.F.B

En. 589.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Beatrice Sango, deceased, as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 27, 1904, Philip Sango appeared before the Commission and made application for the enrollment of his deceased child, Beatrice Sango, as a Creek Freedman.

The records of the Commission show that the name of Philip Sango is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 1041.

The evidence shows that said Beatrice Sango, deceased, is the child of Philip Sango, whose name is contained on the partial list of Creek Freedmen approved by the Secretary of the Interior, March 13, 1902, No. 1041; that she was born February 8, 1901, and died October 6, 1901.

It is, therefore, the opinion of the Commission that said Beatrice Sango, deceased, should be enrolled as a Creek Freedman, in accordance with the provisions of the Act of Congress, June 30, 1902 (32 Stat. 500), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JUN 4

Creek En. 589

Muskogee, Indian Territory, January 5, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Beatrice Sango, deceased, as a Creek Freedman.

You are hereby notified that the Creek Nation will be allowed fifteen days from date hereof within which to protest against said decision, and if at the expiration of that time no such protest has been made, said Beatrice Sango, deceased, will be regularly listed for enrollment as a Creek Freedman.

Respectfully,

Chairman.

HGH-4

CR EN 590

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. July 27, 1904.

In the matter of the application for the enrollment of Bertha Colbert, deceased, as a Creek Freedman.

Emma Colbert being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Emma Colbert.
Q How old are you? A About 34.
Q What is your post office address? A Clarksville.
Q Are you the motherof Bertha Colbert? A Yes sir.
Q Is she living or dead? A Dead.
Q How long has she been dead? A I don't know exactly.
Q When was she born? A In 1900, August 7.
Q How old was she when she died? A About a week old.

Stephen Colbert being duly sworn testified as follows:

By the Commission:
Q What is your name? A Stephen Colbert.
Q How old are you? A I am about 45 years old when I registered on there
Q What is your post office address? A Clarksville.
Q Are you the father of Bertha Colbert? A Yes sir.
Q When was she born? A 1900.
Q What month and day? A 7th of August.
Q She is dead, is she? A Yes sir.
Q How old was she when she died? A I believe she lived about a week.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 13th day of August, 1904.

Charles H. Sawyer
Notary Public.

8.813

En. 590.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of Bertha Colbert, deceased, as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 27, 1904, Emma Colbert appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased child, Bertha Colbert, as a Creek Freedman.

The evidence shows that said Bertha Colbert was born August 7, 1900 and died about one week thereafter.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Bertha Colbert, deceased, as a Creek Freedman, and that the application for her enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JN4

8813

En. 590.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:0:-

In the matter of the application for the enrollment of Bertha Colbert, deceased, as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 27, 1904, Emma Colbert appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of her deceased child, Bertha Colbert, as a Creek Freedman.

The evidence shows that said Bertha Colbert was born August 7, 1900 and died about one week thereafter.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Bertha Colbert, deceased, as a Creek Freedman, and that the application for her enrollment as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

JAN 4 1905

Creek 1-590

Muskogee, Indian Territory, January 11, 1905.

Emma Colbert,

Clarksville, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of your minor child, Bertha Colbert (deceased), as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Registrar.

JYM-60.

Creek F-590

Muskogee, Indian Territory, January 11, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Bertha Colbert (deceased), as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYH-61.

Creek F-550

Muskogee, Indian Territory, January 11, 1906.

The honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Bertha Colbert (deceased), as a Creek Freedman, including the decision of the Commission, dated January 4, 1906.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JYM-62.

W.C.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 646-1905
L R S

April 8, 1905

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 11, 1905, you transmitted the record in the matter of the application for the enrollment of Bertha Colbert (deceased), as a Creek Freedman, including your decision of January 4, 1905, rejecting said application.

Reporting January 20, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Refer in reply to the following:
Land.
3309-1905

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 11, 1905, transmitting the record of the application for enrollment as a Creek Freedman by Emma Colbert for her deceased child, Bertha Colbert.

January 4, 1905, the Commission decided adversely to the applicant.

The record shows that Bertha Colbert was born August 7, 1900, and died about one week thereafter.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner

M.M.N.
W.

D. 20.

Cr.Fr.590.

Muskogee, Indian Territory, April 19, 1905.

[redacted] Colbert,

Clarksville, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application for the enrollment of your minor child, Bertha Colbert, deceased, as a Creek Freedman.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 19, 1906.

M. L. Moss,
Attorney for Creek Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1906, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1906, denying the application of Emma Colbert for the enrollment of her minor child, Bertha Colbert, deceased, as a Creek Freedman.

Respectfully,

Chairman.

CR EN 591

CR EN 591

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. July 20, 1904.

In the matter of the application for the enrollment of Jackson Anderson as a Creek Freedman.

APPEARANCES: E. Hastain, Attorney for applicant.

(Staetment by Attorney for applicant: The applicant bases his claim to a right to be enrolled on the fact that his mother is enrolled as a citizen of the Creek Nation and upon the Dunn Roll, and was so enrolled on the Dunn roll at the time the applicant was a minor; for a further reason that the applicant was a Creek slave of a Creek citizen at the time the slaves were emancipated and was taken from the Creek Nation into the Choctaw Nation without any action on his part and returned to the Creek Nation as soon as he was able to do so.)

Jackson Anderson being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Jackson Anderson.
Q How old are you? A Going on 44.
Q What is your post office address? A Lee.
Q Do you make application for enrollment as a Creek Freedman? AYes sir.
Q Where do you live? A On Cane Creek.
Q In the Creek Nation? A Yes sir.
Q How long have you lived in the Creek Nation? A I was raised here. I w was here a small boy.
Q I am talking about this time? A I was here this time about 18 or 19 years.
Q Where did you come from? A From the Choctaw nation right down here on Red River.
Q How long did you live in the Choctaw Nation? A When they took me away from he e during the War;I was on the Turner farm when I was 4 or 5 years old; and I stayedthere and then I come back here when I was about 18 or 19 I guess.
Q Did you live in the Choctaw Nation all the time from the time you was taken away from here until you came back here 18 or 19 years ago?
A Yes sir; I can go and bring the people I live with.
Q What is the name of your father? A Smart Jacob.
Q Is he living or dead? A Dead.
Q How long has he been dead? A About '91; the year of 1901.
Q Was Smart Jacob a citizen of the Creek Nation? A Yes sir.
Q What is the name of your mother? A Rachel Anderson;belonged to George Anderson,Fred Severs wife's brother.
Q Have you got any brothers or sisters living? A Yes sir. There's Bill And rson and Dollie Anderson living and we got one died during the war named Ned.
Q Did you ever draw any money from the Creek Nation? A No sir.
Q Did you ever try to be enrolled by the Creeks? A Yes sir; I ought to have been enrolled if it wasn't for the colored man; the Indians would let me be enrolled.
Q They enrolledplenty of colored people. A Yes sir; but at that time colored people was town kings;they just did as they pleased in them times.

Q I am asking you if you tried to be enrolled? A No sir I never did try but one time, and that's this Henry Reed and he wouldn't enroll me; the Indians was willing to enroll me.
Q Is your mother living? A Yes sir.
Q What is your mother's name now? A Rachel Anderson.
Q Is that her name now? A She had a husband named Jones; she went by Rachel Jones, but the proper name is Anderson.
Q She married a man by the name of Jones? A Yes sir.
Q What is your sister's name now? A Dollie Colbert; before she married the Colbert she was named Dollie Anderson.
Q Were you the slave of a Creek citizen when the slaves were freed?
A Yes sir.
Q What was his name? A George Anderson.
Q Were you the slave of George Anderson when the War closed? A Yes, I was down in the Choctaw Nation. Wasn't belonging to anybody then.
Q Who took you away from the Creek Nation? A Refugeed.
Q Who took you away? A I can't tell; I was a small boy.
Q Who did you find yourself with? A Some Choctaw; it had to be some Choctaw, close to Red River.
Q How did you know you was the slave of a Creek citizen? A When I come back, my mother told me.
Q That's just what someone told you? A No, no; I can bring my brother
Q Well, you have been told by your mother and brother that you were the slave of a Creek citizen? A I remember when I was a little boy; I know I was a slave then up in Concharte; I know I was a slave but I wasn't big enough to work.
Q Do you know you were the slave of a Creek citizen before the War?
A Yes sir.
Q Who took you down there? A I can't tell you; I was too small to know; I was on the Turner five years.
Q Did your master's folks take you? A No sir, they sold me, me and another little girl and she died down there.
Q Was that in the early part of the War? A In the early part of the war. That was just when the people began to break up and run to Ft. Gibson for protection.
Q After you got down there who took charge of you? A Jedock Harrison, a half breed Choctaw, and I just stayed there; he got three or four, sons living there now.
Q How long did you live with that man? A I lived there-- until I come back- remember I could come back.
Q Did these people that took you away sell you to that man, Harrison?
A I don't remember about that.
Q And you stayed with Harrison until the slaves are freed, did you?
A Yes sir.

(Attorney for applicant asks permission to introduce further evidence later. Upon his request, he will be allowed 60 days within which to submit evidence in this case.)

Henry G. Hains being sworn on his oath states that he as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 13" day of August, 1904.

Chas. A. Sawyer
Notary Public.

Creek An 591.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Anderson as a Creek Freedman.

MUSKOGEE, INDIAN TERRITORY, JANUARY 24, 1905.

Appearances:
E. HASTAIN, Attorney for Applicant.

Frederick B. Severs, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A Frederick B. Severs.
Q How old are you, Captain? A 70 years old, next August.
Q What is your postoffice address? A Muskogee; part of mail comes to Okmulgee.
Q Are you a citizen of the Creek Nation? A Yes sir. So taken and accepted.
Q Have you received land? A I drew--
Q How long have you lived in the Creek Nation, Captain? A I came here in 1852.
Q Have you lived here continuously ever since. A Yes sir; only I was out about four years during the war.
Q Can you state definitely? A I always considered it my home. I was with the Southern army during the war.
Q Where did you go during the war? A We went South, but sometimes we would go ~~south~~ scouting and went as far north as Missouri.
Q Were you fighting with the Southern army? A Yes sir.

BY MR. HASTAIN.

Q Have you ever held an official position in the Creek Nation? A I have.
Q State what it was. A Private secretary for Colonel Samuel Checoteh, our Chief, for three successive terms, and I was with him all the time.
Q Are you acquainted with the applicant in this case, Jackson Anderson? A Yes sir. I am.
Q How long have you known him? A When I came to the country he was a little bit of a boy. I saw him then all upon for several years until the war came on; after the war I met him again and have known him ever since that time.
Q You know where he was during the war? A I had an idea that he went South.
Q At what place did he reside. A I don't know. I have heard it spoken about by the people.
Q State whether prior to the--A I not prior to that he was a slave of a Creek citizen. A Yes, he was the slave of my father-in-law, George Anderson--my wife's father.
Q Was he owned by George Anderson up to the time the slaves

were set free? A He was.
Q Do you remember, Captain, how long it was after the war before you saw him again? A I can't say for certain, but it was some time.
Q You have known the family of George Anderson some time? A Ever since I have been in the Creek Nation. I married one of the girls.
Q You may state, Captain, whether or not it is your understanding, as a matter of family history, that Jackson Anderson was owned by George Anderson prior to the war and up to the time that the slaves were set free? A That's my understanding; that is my belief.
Q Are you acquainted with the mother of Jackson? A Rachael Anderson.
Q You may state whether or not she has received her allotment of land. A I think she has.
Q Do you know his brothers also? A Yes sir. I know his brother, Jim Anderson and his sister, Dollie--I know her.
Q Is it your understanding that they all received land? A Yes, sir, all received their land

(Here Attorney requested that an examination be made of the Commission's rolls to see whether this man's mother has been enrolled here and his brothers and sisters; also whether his mother's name appears on the Dunn roll).

BY THE COMMISSION.

Q Captain, you state that you knew this man, Jackson Anderson, before the War, as a little boy, and then you lost track of him about the time of the war? A Yes sir.
Q When the slaves were freed, you don't know where he was? A No sir.
Q Do you know of his being the slave of a citizen at the time of the emancipation of the slaves or what you heard from family history? A I knew he was a slave up to the time they were scattered, when the war broke out.
Q What was the name of this man's father? A Jack Anderson.
Q Ever know what kind of a citizen he was? A No sir, I don't; only I saw him with his mother at the house of old man Anderson.
Q Captain, you said his mother was Rachael Anderson--do you know whether she was on any of the tribal rolls of the Creek Nation? A I don't, indeed.
Q Do you know whether he ever drew any money from the Creek Nation. A I don't. I don't think he ever drew a cent.
Q You don't know whether he was recognized by the tribal authorities. A I think he was recognized, but do not know whether it was done in a legal way or not.
Q You do not think he was on any of the rolls. (No answer)
Q Do you know who took him away from home? A I can't say that either. My wife knows it; she knows all about it. She always had an anxiety to keep up with all the colored folks of the family. He was a young fellow, running around, before the war, a little bit of a boy.
Q What was the name of that brother of Jackson that you mentioned before that was enrolled. A Jim Anderson.
Q Can you name any other brothers? A I don't believe I can.
Q And his sister was Dollie. A Yes sir.

I don't know anything about the brother that died; I can't say anything about it. I think a brother Bill Anderson. I guess some of them died. My wife would know it all.
Q What town, Captain, do you think she belonged to? A Arkansas Colored. Rachael Anderson; she was Arkansas Colored.

(The Dunn Roll examined and the name Rachael Anderson is found in family 62, Canadian Town, Colored Town, at No. 1514. Immediately following her name is the name Jennie Anderson. "Jennie" has been penciled, a line was run through the name Jennie and "Jimmie" written in pencil instead. This name is followed by the name of Dollie Anderson, the last two numbers 1515 and 1516.

The records of the Commission examined and the name Jim Anderson, father, Smart Jacob, Arkansas Town, mother Rachael Anderson, Canadian, appears on Creek Freedman, Field (card) No. 343, and his name is contained in a partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, at No. 1317.

The records further examined and the name of Dollie Corbray, father, Sanson Sells, mother, Rachael Anderson, Canadian Town, is found on Creek Freedman card No. 427, and her name is contained in a partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 1643.)

BY MR. EASTAIL.

Q Captain, you may state if George Anderson is now living. A No sir; he is dead.
Q How long has he been dead. A He died during the war.
Q You can state if the wife of George Anderson is living? A Dead. died during the war. I am certain of that, but I can't tell the time.
Q I will ask you this: If, under the Creek law, at that time, if George Anderson should have died before the freedmen were emancipated, he could have inherited or could have belonged to the family that are heirs of the George Anderson estate.
Q Do you remember, Captain, at the time you first saw Jackson Anderson after the close of the war, whether he was of age? A I hardly think he was. He was young though, I don't think he was of age.

[illegible] further evidence.

I, [illegible] Miller, [illegible] to the Commission to the Five Civilized Tribes, do hereby [illegible] on oath that the above and foregoing is a true and complete transcription of my notes as taken by me in my stenographic report of the case.

[illegible] Miller

Subscribed and sworn to before me this 20th day of January, 1908.

[illegible] Notary Public.

No. 591. I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Jackson Anderson as a Creek Freedman.

-: S U P P L E M E N T A L S T A T E M E N T :-

Roll of Creek Freedmen made by J. W. Dunn, prior to March 14, 1867, examined and the name of the applicant herein not found thereon.

Tribal Rolls of the Creek Nation in the possession of the Commission examined and the applicant herein not identified on any of said Rolls.

Record of the proceedings of the Colbert Commission examined and it does not appear that application was made to said Commission for the admission of the applicant herein to citizenship in the Creek Nation.

Record of the proceedings of the Commission to the Five Civilized Tribes under authority of the act of Congress of June 10, 1896, examined and it does not appear that application was made to the Commission for the admission of the apalicant herein to citizenship in the Creek Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner.

Muskogee, Indian Territory,

January 31, 1905.

Re. 891. I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:O:-

In the matter of the application for the enrollment of Jackson Anderson as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 30, 1904, Jackson Anderson appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had January 24, 1905, and January 31, 1905.

The evidence shows that the applicant herein was forty-four years old at the date of the application herein, and that his name does not appear on the Roll of Creek Freedmen made by J. W. Dunn prior to March 1, 1867.

It does not appear from the evidence that the applicant has ever been enrolled as a citizen of the Creek Nation, nor does it appear that he has ever been admitted to citizenship in said Nation by the Creek Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said Jackson Anderson as a Creek Freedman, and that the application for his enrollment as such should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

APR 27 1905

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C. Bn. ~~402.~~

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind. Terr. May 4, 1906.

In the matter of the application for the enrollment of Jackson Anderson as a Creek Freedman.

APPEARANCES: B. Nastain, Attorney for applicant.
M. L. Mott, Attorney for Creek Nation.

MRS. F. B. SEVERS, being duly sworn, testified as follows:

BY THE COMMISSIONER:

Q What is your name? A Mrs. F. B. Severs.
Q How old are you? A About sixty-three.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Have you received your allotment in the Creek Nation? A Yes, sir.
Q Are you acquainted with one Jackson Anderson who is an applicant for enrollment as a Creek Freedman? A yes, sir.
Q How long have you been acquainted with Jackson Anderson? A Since he was a child.
Q How old was he when you first knew him, as Jackson Anderson? A They lived with us. He used to belong to my father.
Q Who do you mean when you say, "they lived with us?" A His mother.
Q His mother belonged to your father? A yes, sir.
Q Was Jackson a slave? A Yes, sir.
Q Was his father also a slave of your father? A No, sir, but he was a slave.
Q How old was Jackson Anderson when you first knew him? A Well, they lived with us always. He belonged to my father.
Q Was his mother living with you at the time of his birth? A Yes, sir.
Q How long after his birth did Jackson Anderson stay with your family? A He was about seven years old when they carried him off.
Q Who carried him off? A The soldiers.
Q Who carried him off? A Well, I don't know--some of them were Creeks and Cherokees. They came to our house and robbed us and took the colored people.
Q How old was Jackson Anderson at the breaking out of the war? A I guess he was about six years old.
Q He was carried away immediately after the breaking out of the war? A He was carried away in '62.
Q Do you know where they took him? A I heard they took him to Texas.
Q When was the next time you seen him after he was taken away? A After he returned.
Q And you recognized him? A He had grown some but I recognized him
Q How old was he when he came back? A Eighteen or nineteen.
Q He went away in 1862 and came back when he was eighteen or nineteen years old? A Yes, sir.
Q He was not here when the Dunn Payment was made? A No, sir.
Q Do you remember when that payment was made? A No, sir.
Q It was in 1867, wasn't it? A I don't know.
Q Do you know whether or not his mother and father appear on the Dunn Roll? A Yes, sir, they do.
Q What is the name of his father? A Smart Derrisaw.
Q Was he known by any other name? A I don't know.

Q Are the parents of Jackson Anderson both dead? A His mother is living/
Q Is she present? A Yes, sir.
Q Is Jackson present also? A Yes, sir.
Q He is the same Jackson Anderson, who is an applicant before this Commission and whom you knew during the Civil War and later? A Yes, sir.
Q You don't know whether the parents of Jackson had his name placed on the Dunn Roll? A His mother and brothers and sisters are all on the roll.
Q That is what you heard? A No, I know it.
Q Do you know that their names appear on that roll? A Yes, sir.
Q Have you seen their names on that roll? A No, sir, but I know that they are citizens.
Q Do you know the reason his name is not on that roll? A They did not put him on the roll--they said he came late.
Q It is your understanding that they told him he was too late that the Dunn Roll was already made? A Yes, sir.
Q You don't know the exact [illegible] year he came back? A No, but I know he was quite young when he came back.
Q He was a pretty well grown man, eighteen or nineteen years old, when he came back, wasn't he? A Yes, sir.
Q Do you know the age at which a citizen or resident of the Creek Nation becams an adult or of age? A No, sir.
Q You don't know when a person was considered of age by the tribal authorities or by the Creeks themselves? A I don't know, I think it was twenty-four.
Q Did you ever hear that it was eighteen? A No, sir.
Q You state that the mother of Jackson Anderson was a slave of your father? A Yes, sir.
Q What is the name of Jackson's mother? A Rachael Anderson.
Q Was she carried away at the same time? A No, sir.
Q She continued to live with you? A She got away with the other children and they took Jackson. When the soldiers came to the house Rachael ran withthe other children and hid and Jackson came back to the house and was taken by the soldiers. Stan Waitie's Outfit and some Cherokees and Creeks with him were of the party that took Jackson away.

JACKSON ANDERSON, being duly sworn, testified as follows:

BY THE COMMISSIONER:
Q What is your name? A Jackson Anderson.
Q How old are you? A I don't know. I was a child when I was taken south.
Q How old do you think you are? A I don't have no idea.
Q Are you fifty years old? A Some wheres along there.
Q About fifty? A Yes, sir.
Q Is that as near as you can guess at it? A Yes, sir.
Q What is your post office address? A Lee.
Q Are you the identical Jackson Anderson, who appeared before the Commission July 30, 1904, and made application for enrollment as a Creek Freedman? A yes, sir.
Q How old were you when you were taken away from the Territory? A I was small, I couldn't tell you nothing about it. I don't remember.
Q How old were you when you returned? A I guess I was about sixteen or nineteen.
Q You were quite a grown boy or man? A I was eighteen or nineteen when I came back/
Q Were you a slave before you went away? A I belonged to George Anderson.
Q Have you any witnesses here to-day whom you desire to introduce in your case? A My mother.

RACHAEL ANDERSON, being duly sworn, testified as follows:

BY THE COMMISSIONER:
Q What is your name? A Rachael Anderson.

Q How old are you? A I can't tell you nothing about my age.

Witness presents a sheet of paper upon which appears a memorandum showing that she was 72 years of age as of July 7, 1903.

Q You are about seventy-five years old now then? A Yes, sir.
Q What is your post office address? A Lee.
Q Are you related to Jackson Anderson, the witness who just preceded you on the stand? A I am his mother.
Q Are you a Creek Freedman? A Yes, sir.
Q Do you know whether or not your name is on the Dunn Roll? A Yes, sir, my name is on the Dunn Roll.
Q What is the name of the father of Jackson Anderson? A Smart Derrisaw.
Q Was he ever known by any other name? A No. I never knew any other name but that.
Q Was he a citizen of the Creek Nation? A Yes, sir.
Q Does his name appear on the Dunn Roll? A Yes, sir. All the folks names appear on the Dunn Roll except Jackson.
Q Wasn't he away at the time the roll was made? A He was taken away when he was little.
Q How old was he when he was taken away? A He was turning on six years old.
Q Could he have been seven years old? A Well, he might have been.
Q That is as near as you can guess it? A Yes, sir.
Q Did you say you were a slave of a Creek citizen? A Yes, sir.
Q What is the name of the Creek citizen who was your owner? A George Anderson. Severs' wife was his daughter.
Q What Severs do you refer to? A F. B. Severs.
Q Do you know in what year Jackson was taken away from the Creek Nation? A No, sir.
Q Was it at the beginning of the war? A No, sir.
Q Was it during the first of the war? A About a year after the start of the war.
Q Were you taken away with Jackson? A No, sir. They took a girl with Jackson.
Q They left you? A They would have taken me but I ran--I took the baby and ran to the Arkansas bottom.
Q Didn't your boy, Jackson, and this girl run away with you? A No, they were taken away.
Q When did you next see Jackson after he was taken away? A Not till he came back to the nation again.
Q Do you remember the year? A No, sir.
Q How old was he when he came back? A I don't know.
Q Was he a full grown man when he came back? A He was almost.
Q Was he about eighteen or nineteen years old? A I reckon.
Q Do you think he was as much as eighteen or nineteen years old? A Yes, sir, he was about eighteen or nineteen, I think.
Q What was the reason his name was not placed on the Dunn Roll? A The two head Town Kings told us none of the women was to go and that they was to put down all the names.
Q Did they put down the names of all your other children? A Yes, sir, all of them but Jackson. Jackson's daddy's kin people are all on the roll.
Q If they put the names of all the other children on that roll they must have had some reason for not having put Jackson's name on? A They said they had forgit it.
Q Didn't they make this statement to you. Didn't they tell you he was not in the nation? A No, sir. My master put out a $300.00 reward for those two children that were taken away.

C. Ex. 491. ---4.

I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of my stenographic notes as taken in said cause on said date.

D C Skaggs

Subscribed and sworn to before me this 4th day of May, 1906.

Edward Merrick
Notary Public.

Cr.No. 321.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Anderson, as a Creek Freedman.

D E C I S I O N.

The record in this case shows that on July 30, 1904, Jackson Anderson appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman. Further proceedings were had on January 24, and January 31, 1905. Decision rendered in this case by said Commission on April 27, 1905, affirmed by the Department June 9, 1905, was on April 7, 1906, rescinded by the Department and the case remanded for further hearing. Further proceedings were had May 4, 1906.

The evidence shows that said applicant was forty-four years of age at the date of the application herein, and that his name does not appear on the roll of Creek Freedmen made by J.W. Dunn prior to March 14, 1867.

The evidence further shows that the applicant has never been enrolled as a citizen of the Creek Nation, nor has he ever been admitted to citizenship in said Nation by the Creek tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

The act of Congress approved April 26, 1906 (34 Stats., 137), provides:

> "That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J.W.Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll,and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

I am, therefore, of the opinion that, following the ruling of the Department in the case of Prissie Carruthers (I.T.D. 5286-1906), said Jackson Anderson is not entitled to be enrolled as a Creek Freedman under the provisions of law above quoted, and that the application for his enrollment as such should be denied, and it is so ordered.

Muskogee, Indian Territory,
Nov. 5 1906.

COMMISSIONER.

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Anderson as a Creek freedman. No 591.

MOTION FOR REVIEW.

Comes now Jackson Anderson, the above named applicant, and moves the Honorable Secretary of the Interior to review its decision in the above entitled cause, and assigns the following reason to-wit:--

Because the Department erred in sustaining the Commission to the Five Civilized Tribes in its finding that there is no authority of law for the enrollment of said Jackson Anderson as a Creek freedman.

Respectfully submitted this 5th day of Oct., 1905.

Jackson Anderson

By E. Hastain

His attorney

BRIEF AND ARGUMENT.

The applicant, Jackson Anderson, was a slave of George Anderson, a Creek citizen. He was stolen from his mother during the civil war, when he was about 5 years of age, and taken to the Choctaw Nation where he remained until he was old enough to find his way back home. He was a minor at the time he was stolen and at the time he returned to the Creek Nation to his mother. Since that time he has resided, and now resides in the Creek Nation. The applicant is a descendant of Rachel Anderson, whose name appears upon the Dunn roll. The names of all the members of the family except the applicant herein, appear upon the Dunn roll, and they have received their allotments of land in the Creek Nation.

Citation of Laws governing this case.

The act of Congress approved June 28, 1898 with reference to the enrollment of Creek freedmen is as follows:

" The roll of Creek freedmen made by J.W.Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty seven, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said

roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted, by the lawful authorities of the Creek Nation."

The Creek Agreement, in making provision for the enrollment of Creek citizens, provides as follows:

" Section 28 x x x All citizens who were living on the first day of April, eighteen hundred and ninety nine, entitled to be enrolled under section twenty one of the act of Congress approved June twenty eighth, eighteen hundred and ninety eight, entitled " An act for the protection of the people of the Indian Territory, and for other purposes," shall be placed upon the rolls to be made by said Commission x x xx.

" ALL children born to citizens so entitled to enrollment, up to and including the first day of July, nineteen hundred, and then living, shall be placed on the rolls made by said Commission; xx."

A careful examination of the above provisions of law with reference to the enrollment of Creek citizens will disclose the following:

First; Under the act of June 28, 1898 above quoted, all Creek freedmen whose names appear on the Dunn roll are entitled to enrollment under said Act of Congress.

Second; Under the Creek Agreement quoted above provision is made for the enrollment of (1) all citizens entitled to be enroll ed under the act of Congress approved June 28, 1898, and (2) All children born to citizens so entitled to enrollment.

In other words, if John Jones is entitled to enrollment under the act of June 28, 1898, the Creek Agreement provides that all children born to John Jones shall be placed on the rolls made by said Commission. The applicant is a child "born to citizens so entitled to enrollment."

If it had been the intention of Congress to mean minor children the treaty would have read "minor children". If it ha d meant certain children, it would have designated them; but it meant ALL children and it said "all children."

The name of Rachel Anderson appearing on the Dunn Roll, and the applicant being a child born to her; and being a minor at the time of the making of the Dunn roll, he is clearly entitled to be enrolled at this time.

There are other circumstances that appeal for the enrollment of the applicant. He was the slave of a Creek citizen. He was born in the Creek Nation, and has never been outside of the Indian Territory. He never left the Creek Nation of his own free will; and as soon as he found his way back he returned and has remained here ever since. It has been his home and he has known no other.

In the year 1901, when the question of non residence was before the department, the word "Nation" was construed to mean or at least include "Indian Territory". If that construction is proper, then the applicant has never resided outside the Creek Nation, and is clearly entitled to enrollment under the provisions contained in the treaty of 1866.

Respectfully submitted this 5th day of October, 1905.

E. Hastain

Attorney for applicant

United States of America,
Indian Territory
Western District ss

E. Hastain being duly sworn upon his oath says that he mailed by registered letter a true copy of the foregoing brief and motion for review, and of the affidavit of Rachel Anderson hereto attached in support of said motion, to M.L.Mott Esq., Attorney for the Creek Nation, and hereto attaches the registry receipt for said letter.

E. Hastain

Subscribed and sworn to before me this 5th day of Oct.,1905
Charles W. Mandler
Notary Public

My commission expires May 3, 1909

Affidavit in support of Motion for Review.

United States of America
Indian Territory SS
Western District.

On this 22nd day of Sept., 1905, personally appeared before me, a Notary Public within and for the Western District, I.T. Rachel Anderson, who being by me duly sworn deposes and says: My name is Rachel Anderson, I am 74 years of age, and am the mother of Jackson Anderson, who is an applicant for enrollment as a Creek freedman. During the civil war when Jackson was about five years of age he was stolen from me and taken to the Choctaw Nation. I was then living with our master, George Anderson at Concharty in the Creek Nation. I never saw him again until he was about grown, when he found his way back home and has been living in the Creek Nation since that time.

The names of myself and children and husband all appear on the Dunn roll with the exception of Jackson. When the Dunn roll was made I saw our town king and told him the names of my children and he said he would have them put down by Major Dunn. After the roll had been made I learned that Jackson's name was not there, and I asked the town king about it and he said that he forgot to put Jackson's name down.

Jackson Anderson was born in the Creek Nation and was a slave of George Anderson when the slaves were set free. All the members of my family have received their allotments except Jackson. I would have appeared before the Dawes Commission and testified, but I am very old and crippled and would have had to come about 35 miles, and I was not able to come that distance.

Rachel Anderson
her mark

Witness E. Hastain & E.R. Jones
Subscribed and sworn to before me this 22 day of Sept 1905
E R Jones, Notary Public

My Com exp Dec 19, 1907

880

En. 591

Muskogee, Indian Territory, December 10, 1904

Jackson Anderson,

Lee, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen of the Creek Nation, you are hereby notified that you will be allowed thirty days from date within which to submit additional evidence in the case. If, at the expiration of that time, no further evidence has been offered, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Register.

Dd. 3

Mn. 891

Muskogee, Indian Territory, December 10, 1904.

E. Hastain,

Attorney for Jackson Anderson,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Jackson Anderson for enrollment as a citizen of the Creek Nation, you are hereby notified that you will be allowed thirty days from date within which to submit additional evidence in the case. If, at the expiration of that time, no such evidence be offered, the case will be adjudicated upon the record now before the Commission.

Respectfully,

Chairman.

Creek En. 891.

Muskogee, Indian Territory, April 28, 1905.

Jackson Anderson,

Lee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a Creek Freedman, denying said application.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Register.

ZZP-4-28-2.

D.22.

Creek En. 881.

Muskogee, Indian Territory, April 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Jackson Anderson as a Creek Freedman, including the decision of the Commission, dated April 27, 1905.

Respectfully,

Chairman.

Through the

Commissioner of Indian Affairs.

KEP-4-295.

D.D.

Creek En. 801.

Muskogee, Indian Territory, April 29, 1905.

M. L. Mott,
Attorney for Creek Nation.
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jackson Anderson as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

ZEP-4-29-4.

D.D.

Creek En. 391.

Muskogee, Indian Territory, April 29, 1905.

E. Hastain,

Attorney for Jackson Anderson.

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jackson Anderson as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

ZEP-4-29-3.

G.R.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.5376-1905
LRS

June 9, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 29, 1905, you transmitted the record of the application of Jackson Anderson for his enrollment as a Creek freedman, including your decision dated April 27, 1905, adverse to the applicant.

May 10, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated April 27, 1905, denying the application of Jackson Anderson for his enrollment as a Creek freedman is hereby affirmed.

Respectfully,

E A Hitchcock

Secretary

1 inclosure.

Refer in reply to the following
Land
38601-1905

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington. May 10, 1905.

The Honorable,

The Secretary of the Interior .

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 29, 1905, transmitting the record of the application for enrollment as a Creek Freedman by Jackson Anderson.

April 27, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was forty four years of age at the date of his application on July 30, 1904, and that his name is not found on the Dunn roll.

It does not appear that he has ever been enrolled or admitted to citizenship by any tribal authority of the Creek Nation or by any United States tribunal.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner

M.M.M.
W.

Cr.En. 591.

Muskogee, Indian Territory, June 28,1905.

E. Hastain,

Attorney for Jackson Anderson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9,1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Jackson Anderson, as a Creek Freedman.

Respectfully,

Chairman.

Cr.En.891.

Muskogee, Indian Territory, June 28,1905.

Jackson Anderson,

Lee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9,1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying your application for enrollment as a Creek Freedman.

Respectfully,

Chairman.

Cr.En.591.

Muskogee, Indian Territory, June 28,1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9,1905, affirmed the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of Jackson Anderson, as a Creek Freedman.

Respectfully,

Chairman.

En.891

Muskogee, Indian Territory, October 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

October 5, 1905, E. Hastain, attorney for Jackson Anderson, delivered to this office for transmission to the Department, a motion to review the matter of the application for the enrollment of said Jackson Anderson as a Creek freedman. Said motion is accompanied by a brief and argument on the law and facts in the case.

The record in this case shows that on April 27, 1905, the Commission to the Five Civilized Tribes rendered a decision denying the application for the enrollment of said Jackson Anderson as a Creek freedman and that on June 9, 1905, said decision was affirmed by the Department.

The motion is herewith transmitted for Departmental consideration.

Respectfully,

Commissioner.

AG-10-6-1

#591 G.R.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 14080-1905.
5376-1906. April 7, 190[illegible].

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 5, 190[illegible], there was filed with the Department a motion for review in the matter of the application of Jackson Anderson, for his enrollment as a Creek freedman.

June 9, 1905, (I.T.D.5376), the Department, in accordance with the recommendation of the Indian Office, affirmed the decision of the Commission to the Five Civilized Tribes dated April 27, 1905, denying said application.

Applicant, Jackson Anderson, born in 1860, claims to have been the slave of a Creek citizen, George Anderson, at the beginning of the civil war, was taken when 4 or 5 years old to the Choctaw Nation, where he stayed with Zadock Harrison, a half-breed Choctaw, and "then I come back here when I was about 18 or 19, I guess", which would make the date of his return --1878-79-- probably during his minority.

Frederick P. Severs stated that applicant was a slave of his wife's father, George Anderson; that when he first saw a-

plicant, after the close of the war, applicant "was young, though I don't think he was of age;" that applicant was the son of Rachel Anderson, and a brother to Jim and Dollie Anderson, whose names the Commission stated appear both upon the Dunn roll and the partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902.

Applicant in a preceding statement testified "I was here this time about 18 or 19 years," (1885-86) thus creating a doubt whether applicant returned to the Creek Nation during his minority.

The Commission stated that applicant's name does not appear upon the Dunn roll, and found adversely to him.

It is shown that applicant was not in the Creek Nation at the making of the Dunn roll, and consequently his name does not appear upon said roll. It becomes important to determine definitely the exact year applicant was taken out of the Creek Nation and a definite date for his return, whether applicant did return to the Creek Nation during his minority and is entitled to enrollment, whether previously enrolled or not, and at what age a male minor reached his majority according to the Creek tribal law in force and effect 1867 . Said examination will be conducted with that end in view.

It is suggested that the testimony of the wife of Frederick B. Severs, who stated that his wife was well posted as to the slaves of her father, be secured, as well as testimony of Rachel Anderson, the mother of the applicant, shown to be still living.

The decision of the Department dated June 9, 1905, denying the above application is hereby rescinded, and the motion for review is hereby granted.

The record is remanded to you for the purpose of securing additional testimony to determine definitely the date of the applicant's return to the Creek Nation.

An early report is desired.

Respectfully,

(Signed) Thos. Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inclosure.

Cr.en.591

Muskogee, Indian Territory. April 14, 1906.

E. Hastain,

Attorney for Jackson Anderson,

Muskogee, Indian Territory.

Sir:

Under date of April 7, 1906, the Secretary of the Interior granted the motion for review, filed with the Department October 5, 1905, in the matter of the application for the enrollment of Jackson Anderson, as a Creek freedman, and instructed this office to secure additional testimony, in order to determine definitely the date of the return of said applicant to the Creek Nation.

You are, therefore, hereby notified that further hearing will be had in this case on May 4, 1906, before the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, at 10 o'clock, A. M., at which time you will be permitted to introduce such evidence as you may desire in the matter.

You are further advised that the testimony of the wife of Frederick B. Severs, a former witness in this case, also the testimony of Rachel Anderson, the mother of said applicant, is required.

The attorney for the Creek Nation has also been notified that he will be permitted to introduce evidence at the same time and place.

Respectfully,

Acting Commissioner.

Cr.En.591.

Muskogee, Indian Territory, April 16, 1906.

W. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

Under date of April 7, 1906, the Secretary of the Interior granted the motion for review, filed with the Department October 5, 1905, in the matter of the application for the enrollment of Jackson Anderson, as a Creek freedman, and instructed this office to secure additional testimony, in order to determine definitely the date of the return of said applicant to the Creek Nation.

You are, therefore, hereby notified that further hearing will be had in this case on May 4, 1906, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, at 10 o'clock A. M., at which time you will be permitted to introduce such evidence as you may desire in the matter.

Respectfully,

Acting Commissioner.

Cr.En.591.

Muskogee, Indian Territory, April 16, 1906.

Jackson Anderson,

Lee, Indian Territory.

Dear Sir:

Under date of April 7, 1906, the Secretary of the Interior granted the motion for review, filed with the Department October 5, 1905, in the matter of the application for the enrollment of Jackson Anderson, as a Creek freedman, and instructed this office to secure additional testimony, in order to determine definitely the date of the return of said applicant to the Creek Nation.

You are therefore, hereby notified that further hearing will be had in this case on May 4, 1906, at the office of the Commissioner to the Five Civilized Tribes, in Muskogee, Indian Territory, at 10 o'clock , A.M., at which time you will be permitted to introduce such evidence as you may desire in the matter.

You are further advised that the testimony of the

J. A. E.

wife of Frederick B. Severs, a former witness in this case; also the testimony of your mother, Rachel Anderson, is required.

The attorney for the Creek Nation has been notified that he will be permitted to introduce evidence at the same time and place.

Respectfully,

Acting Commissioner.

DIRECT.

GR
LLB
LRS.

I.T.D.13179-1906.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, October 26, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 7, 1906 (I.T.D.5376-1905), the Department remanded to you the record in the matter of the application of Jackson Anderson for his enrollment as a Creek Freedman, for the purpose of taking additional testimony to determine definitely the date of the applicant's return to the Creek Nation.

You are requested to advise the Department immediately of the present status of the case and when the record therein will be transmitted for the consideration of the Department.

Respectfully,

Jesse Wilson,

Assistant Secretary.

Cr.En. 591.

Muskogee, Indian Territory, November 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter dated October 26, 1906, requesting to be advised as to the present status of the Creek Enrollment case of Jackson Anderson.

In reply I have the honor to make the following report in said matter:

The Department under date of April 7, 1906 (I.T.D. 5376-1906), granted motion for review filed October 5, 1905, in the matter of the application of Jackson Anderson for his enrollment as a Creek freedman, rescinding Departmental decision of June 6, 1905, denying said application, and directed that this office secure the testimony of certain witnesses as to whether applicant returned to the Creek Nation during his minority, and as to the age a male minor reached his majority according to Creek tribal law in force and effect in the year 1867.

As directed said case was reopened, the parties in interest being notified that a hearing would be had on May 4, 1906, and testimony was taken on said date and on the points mentioned.

It appears from the testimony taken in said later proceedings that Jackson Anderson was carried away from the Creek Nation as a small boy, about seven years of age, during the Civil War, in or about the year 1862, and that he was a young man eighteen or nineteen years of age when he returned to said Nation. The fact that the name of Jackson Anderson does not appear upon the roll of Creek freedmen made by J. W. Dunn prior to March 14, 1867, is accounted for by reason of his absence from the Creek Nation at the time of the making of said roll.

Section 3 of the act of Congress approved April 26, 1906 (34 Stats., 137), provides in part as follows:

"That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants, born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior."

Secretary 3.

The Assistant Attorney General for the Department in an approved opinion dated May 31, 1906, in the matter of the application for the enrollment of Prissie Carruthers, as a freedman citizen of the Creek Nation (a case analagous in every material respect to that of Jackson Anderson), referring to the above provision of law, states: "Congress has now made the Dunn roll final and conclusive as to all applicants of this class, whose enrollment has not been approved by the Secretary of the Interior."

In view of the facts in the case as set out in the decision of the Commission under date of April 27, 1905, and as appears from the testimony taken on May 4, 1906, and in view of the opinion of the Assistant Attorney General above cited, I am of the opinion that said Jackson Anderson is not entitled to be enrolled as a freedman citizen of the Creek Nation.

Decision in said case prepared in accordance with the provision of law above quoted, together with the record in same, is transmitted herewith.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

LM-888.

CRW
O.K.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 3420-1907
D.C. 10324-1907.

February 18, 1907.

LRS

Direct:

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On April 7, 1906, the Department remanded the Creek freedman enrollment case of Jackson Anderson for rehearing.

On November 5, 1906, you rendered a decision adverse to the applicant, in which decision the Indian Office concurred on February 14, 1907. The Department also concurs and your decision is affirmed.

The papers in the case have been returned to the files for of the Indian Office, as well as a copy hereof. A copy of the Indian Office letter is also enclosed.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

1 inc. and 8 inc.
to Ind. Of.

AFMc
2-19-07.

Refer in reply to the following:
Land 101155-1906.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 7, 1906, I.T.D. 5376, there is enclosed a report from the Commissioner to the Five Civilized Tribes dated November 5, 1906, transmitting the record relative to the application of Jackson Anderson for enrollment as a Creek freedman.

On November 5, 1906, Mr. Bixby held that the applicant was not entitled to enrollment. The record in the case shows that the name of the applicant does not appear on the Creek freedman roll made by J. W. Dunn prior to March 4, 1867; that he has never been enrolled as a citizen or freedman of the Creek Nation; and that he has not been admitted to citizenship in that nation, either as a freedman or a citizen by blood by the tribal authorities, the Commission or the court.

Section 3 of the Act of April 26, 1906 (34 Stat. L. 137), declares that only those whose names appear on the Dunn roll and their descendants born since said date and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of said roll, together with their descendants, shall be enrolled as Creek freedmen. Under this provision

of law and the Department's holding in the Prissie Carruthers case, I.T.D. 5286, the applicant is not entitled to enrollment and the approval of the Commissioner's adverse decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH

JWH

Cr.Rm.391

Muskogee, Indian Territory, March 8, 1907.

Jackson Anderson,

Lee, Indian Territory.

Dear Sir :--

You are hereby advised that under date of February 18, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the motion for rehearing in the matter of the application for your enrollment as a Creek freedman.

Respectfully,

Commissioner.

JWH

Cr.En.591

Muskogee, Indian Territory, March 4, 1907.

E. Hastain,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby advised that under date of February 18, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, denying the motion for rehearing in the matter of the application for the enrollment of Jackson Anderson.

Respectfully,

Commissioner.

CR EN 592

CR EN 592

8813

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEBLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

B. A. 77.

Muskogee, Indian Territory, November 14, 1903.

Samantha Harrison,

Muskogee, Indian Territory.

Dear Madam:

There is on file with the Commission an affidavit executed by you relative to the birth and death of your minor child, John Harrison, who, it is claimed, is entitled to enrollment as a citizen of the Creek Nation. It is desired that further evidence be submitted in the case.

You are therefore required to appear before the Commission at its office in Muskogee, Indian Territory, with two witnesses who know the dates of the birth and death of said child, for the purpose of being examined under oath.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. July 30, 1904.

In the matter of the application for the enrollment of John Harrison as a Creek Freedman.

Samantha Nivens being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Samantha Nivens.
Q How old are you? A 23.
Q What is your post office address? A Twine.
Q Do you make application for the enrollment of John Harrison as a Creek Freedman? A Yes sir.
Q Do you know when that child was born? A In December I think.
Q The child is dead, is it? A Yes sir.
Q How long did the child live? A Never lived but three days.
Q Did you ever execute an affidavit about that child? A Yes sir. The step father we had come in one day.
Q Who was present when the child was born? A My mother; her name is Sarah Newman now; it was Sarah Burnett; there she is.
Q In that affidavit you executed, you state the child was born in February. A I thought it was in December; it might have been in February.
Q You are positive the child didn't live but three days? A One and a half days or something or another; it didn't live over three days.

Sarah Newman being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Sarah Newman.
Q How old are you? A Fifty nine.
Q What is your post office address? A Twine.
Q Is Samantha Nivens your daughter? A Yes sir.
Q Was she at one time called Samantha Harrison? A Yes sir.
Q Did she have a child named John? A Yes sir.
Q Do you know when that child was born? A Yes sir.
Q When? A If I am not mistaken it was born, it appears to me like, the first of January; my mind is so bad I can't hold it all.
Q It was born in Winter, was it? A Yes sir, about February.
Q It was cold weather when it was born, was it? A Yes sir, about the 9th of February.
Q How long did that child live? A About three days.
Q Died when it was about three days old? A Yes sir.

An affidavit heretofore filedin the case is made part of the record herein.

Henry G. Wains being sworn on his oath states that as stenographer to

the Commission to the Five Civilized Tribes he reported the above same and that this is a full, true and correct transcript of his stenographic notes in same.

Henry H. Laird.

Subscribed and sworn to before me this 13 day of August, 1904.

Charles B. Sawyer

Notary Public.

JHB
Ebbs.

En. 592.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-:o:-

In the matter of the application for the enrollment of John Harrison, deceased, as a Creek Freedman.

-: D E C I S I O N :-

The record in this case shows that on July 30, 1904, Samantha Nivens appeared before the Commission and made application for the enrollment of her deceased child, John Harrison, as a Creek Freedman.

The evidence shows that said John Harrison, deceased, was born subsequent to July 1, 1900 and died prior to May 25, 1901.

It is, therefore, the opinion of the Commission that there is no authority of law for the enrollment of said John Harrison, deceased, as a Creek Freedman, and that his application as such, should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

[illegible]

Creek An 892

Muskogee, Indian Territory, January 18, 1905.

Samantha Nivens,

Twine, Indian Territory.

Dear Madam:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John Harrison as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Registrar.

JYE-12-75.

Creek An 592

Muskogee, Indian Territory, January 12, 1905.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John Harrison as a Creek Freedman.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

JYH-12-70.

Creek An 598.

Muskogee, Indian Territory, January 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of John Harrison as a Creek Freedman, including the decision of the Commission, dated January 4, 1905.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

JVL-18-77.

W.C.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.P. 580-1905
L R S

April 8, 1905

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 12, 1905, you transmitted the record in the matter of the application for the enrollment of JohnHarrison as a Creek Freedman, including your decision of January 4, 1905, which was adverse to the applicant.

Reporting January 19, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure

Refer in reply to the following:
Land
3874-1905

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 19,1905

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes, dated January 12, 1905, transmitting the record of the application for enrollment as a Creek Freedman by Samantha Nevins for her deceased child, John Harrison.

January 4, 1905, the Commission decided adversely to the applicant.

The record shows that John Harrison was born subsequent to July 1, 1900, and died prior to May 25, 1901.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner

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W

D. A.

Cr.Fr .592.

Muskogee, Indian Territory, April 19, 1905.

Samantha Nivens,

Taft, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application of Samantha Nivens for the enrollment of her minor child, John Harrison, deceased, as a Creek Freedman.

Respectfully,

Chairman.

O. D.

Cr.Fr. 592.

Muskogee, Indian Territory, April 19, 1905.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 8, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, dated January 4, 1905, denying the application of Samantha Nivens for the enrollment of her minor child, John Harrison, deceased, as a Creek Freedman.

Respectfully,

Chairman.

CR EN 593

CR EN 593

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., August 3, 1904.

In the matter of the application for the enrollment of Nancy C. Wetstone as a citizen by blood of the Creek Nation.

APPEARANCES: M. L. Mott Attorney for Creek Nation:

James P. Wetstone, being duly sworn, testified as follows:

By Commission:

Q What is your name? A James P. Wetstone.
Q What is your age? A 37.
Q What is your post office address? A Henrietta.
Q Do you make application for the enrollment of Nancy C. Wetstone as a citizen by blood of the Creek Nation? A Yes, sir.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A Died in 1900, January the 15th day.
Q Did you make a record of that any where? A I didn't myself but we was all knowing the time she died.
Q Was she your mother? A Yes, sir.
Q How did you get to be a citizen of the Creek Nation? A By the Colbert Commission.
Q You was admitted to citizenship by the Colbert Commission? A Yes, sir. How come that though up to that time the town king got his house burned and we was enrolled by the Colbert Commission.
Q You didn't draw the $14.00 payment? A No, sir. I was off then.
Q How was that? A They say the rolls got burned.
Q Was your mother also admitted by the Colbert Commission? A We thought that until she come here to file.

The records of the Commission examined and it appears that the witness is listed for enrollment on Creek Indian Card, Field No. 711, Approved Roll No. 2318, and that he was admitted to citizenship in the Creek Nation by the Colbert Commission. (see Creek citizenship record No. 1, Page 461)

He is identified on the 1890 authenticated Tribal Roll of the Creek Nation, Ketchapataka Town but not upon the 1895 Roll. He is also identified on the 1895 Doubtfull Roll of the Creek Nation, Ketchapataka Town.

The 1890 Authenticated Tribal Rolls of the Creek Nation examined and Nancy C. Wetstone identified thereon in Ketchapataka Town, Page 134, under the name of N. C. Whetstone.

An examination of the 1895 Rolls of the Creek Nation shows that she was not identified thereon.

An examination of the 1895 Doubtfull Roll of the Creek Nation, Ketchapataka Town, shows that she is identified on said roll, under the name of N. C. Whetstone.

Q What degree of blood did she have? A She was one fourth.
Q Was she residing in the Creek Nation when she died? A Yes, sir.
Q How long had she been in the Creek Nation? A She had been here quite a while.
Q About how long? A The last time she had been here about seven years.

Nancy C. Wetstone-----2

The records of the Colbert Commission examined and it does not Appear that application was made for citizenship in the Creek Nation for the said Nancy C. Whetstone, nor does it appear that application was made to this Commission for said Nancy C. Whetstone, under the act of June 10, 1896 (29 Stats., 321).

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I, Drennan C. Skaggs, on oath state that the above and foregoing is a true and complete transcript of my stenographic notes as taken in said cause on said date.

Drennan C. Skaggs

Subscribed and sworn to before me this 15th day of August, 1904.

Charles N. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind. Ter., June 13, 1905.

In the matter of the application for the enrollment of Nancy C.Whetstone as a citizen by blood of the Creek Nation.

Clinton P.Somers, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q. What is your name? A Clinton P.Somers.
Q How old are you? A Fortyeight.
Q What is your post office address? A Henryetta
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Nancy C.Whetstone? A Yes, sir.
Q Is she any relation to you? A Yes sir.
Q What relation is she? A Mother.
Q You remember when Nancy C. Whetstone died? A Yes, sir.
Q What year? A 1900
Q What day of the year? A Fifteenth day of January.
Q Did you make a record of it in any bible or book? A My sister did at our home in the bible.
Q Have you that bible still at home? Yes, my sister has it.
Q Did you look at it recently?A No, sir.
Q Do you remember when the Creek land office opened? A Why not for sure I don't.
Q You remember the circumstance of it? A Why I reckon I do.
Q About ho long after that when she died? It was before.
Q What were you referring to when you answered before? A I was referring to her death. I enrolled before she died a year or two.
Q Why was she not enrolled at the same time that you and your brother ? A She was in dispute, the way I took it, she was down on the doubtful list and we went down to the Colbert Court and she was put down as a witness in place of the head of a family. That's the reason we didn't enroll at that time.
Q Did you apply to have her enrolled at the same time with you? A Yes, sir, she was with me.

NOTE. Witness is identified as Clinton P.Somers on Creek Indian card file number 877 and his name is contained in the Initial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902 ,opposite roll number 2858 . It appears from said card that he was enrolled October 3, 1899.

Q You are sure that your mother was living at the time you enrolled? A Yes, sir.

-------Gilbert, being duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A ---- Gilbert.
Q What is your age? A Thirtythree.
Q What is your postoffice address? A Henryetta.
Q Are you related to Nancy Whetstone? A No, sir, only by marriage. I married her daughter after she died.
Q Do you remember when she died? A Yes, sir.
Q What year was that?A In 1900 in the month of January. I can't say for sure the day.

Q Did you go to the funeral? A No, sir.
Q Are you a citizen of the Creek Nation? A No, sir.
Q Were you married at the time she died? A No, sir.
Q Do you remember when the land office opened in Muskogee?
A I remember about that time
Q Was she living at that time? A Yes, sir.
Q She died afterwards? A Yes, sir.
Q About how long afterwards? A Well pobably a year. I don't remember exactly when the land office opened.
Q You are sure she died after the land office opened? A Yes, sir.

NOTE. The witness is notified that the Commission desires the bible in which is written the death of Nancy C. Whetstone and he will be allowed a reasonable time within which to appear before the Commission with said bible.

I, J.Y.Miller, on oath state that as stenographer to the Commission to the Five Civilized TribesI reported the above case and that this is a true, full and correct transcript of my stenographic notes in the same, as said notes appear in said report

J.Y. Miller

Subscribed and sworn to before me this 5th day July 1905.

Edwin Grieg

Notary Public.

Cr En 593

Muskogee, Indian Territory, May 22, 1906.

James F. Whetstone,

Henryetta, Indian Territory.

Dear Sir:

You are advised that the Commission desires further evidence in the matter of the application for the enrollment of your mother, Nancy C. Whetstone (deceased), as a Creek citizen

You are hereby notified that you will be allowed thirty days from date within which to appear before the Commission, at its office, in Muskogee, Indian Territory, with at least two witnesses who know the exact date of the death of said Nancy C. Whetstone, for the purpose of being examined under oath.

Respectfully,

Chairman.

Register.

The United States of America,
Western District , Indian Territory .

Mrs Mary L. Huffstetler being first duly sworn deposes and says , That she forty six years of age ; that she is the daughter of the late Mrs Nancy C. Whetstone ; That her said mother was citizen of the Creek Nation by blood; and that she, the said Nancy C. Whetstone died on the Fifteenth day of January, Nineteen hundred in the Creek Nation, Indian Territory , at the home of Mrs Martha L. Rhodes who is also one of her daughters . Affiant further swears that she was present at the death of her said mother and knows of her death by her own personal observation . Affiant further states that the record in her family bible disclosed the date of said mother's death as above stated .

Mary L Huffstetler

Subscribed and sworn to before this the 7th day of July, 1905.

D J Reed

Notary Public, Western District,
Indian Territory .

#5-93

Rec'd
July 13-05

En 593 I.D.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy C. Whetstone, deceased, as a citizen by blood of the Creek Nation.

DECISION.

The record in this case shows that on August 3, 1904, James F. Whetstone appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of his mother, Nancy C. Whetstone, deceased, as a citizen by blood of the Creek Nation. Further proceedings were had June 13, 1905.

The evidence shows that said Nancy C. Whetstone died January 15, 1900, and that she had resided in the Creek Nation for seven years next preceding said date.

The evidence further shows that said Nancy C. Whetstone, deceased, is identified on the 1890 Authenticated Tribal Roll of the Creek Nation, and that her name is contained in the list of 619 persons stricken from the rolls of the Creek Nation as doubtful by the Committee of Eighteen in 1895.

In the Creek case of Frank London, et al., the Department held (I.T.D.3194-1905):

> "If the applicants are otherwise entitled to be enrolled as citizens of the Creek Nation, the striking of their names from the 1895 roll by the Committee of Eighteen does not affect their rights."

It is, therefore, ordered and adjudged that, following the ruling of the Department in said case of Frank London, et al., said Nancy C. Whetstone, deceased, is entitled to be enrolled as a citizen by blood of the Creek Nation, in accordance with the provisions of the acts of Congress of June 28, 1898, (30 Stats., 495) and March 1, 1901, (31 Stats., 861), and the application for her enrollment as such is accordingly granted.

Commissioner.

Muskogee, Indian Territory.

JAN 10 1906

Cr An 593

Muskogee, Indian Territory, January 11, 1906.

M. L. Mott,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

There is here ith enclosed one copy of the decision of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment of Nancy J. Whetstone, deceased, as a citizen by blood of the Creek Nation.

You are hereby advised that the Creek Nation will be allowed fifteen days from date hereof within which to protest against the enrollment of the above named person as a citizen by blood of the Creek Nation, and if, at the expiration of said time, no protest has been filed, the name of said Nancy J. Whetstone (deceased) will be regularly listed for enrollment as a citizen by blood of said Nation.

Respectfully,

Commissioner.

JYK-11-5

Cr.En.593.

Muskogee, Indian Territory, June 23,1906.

Clinton P. Somers,

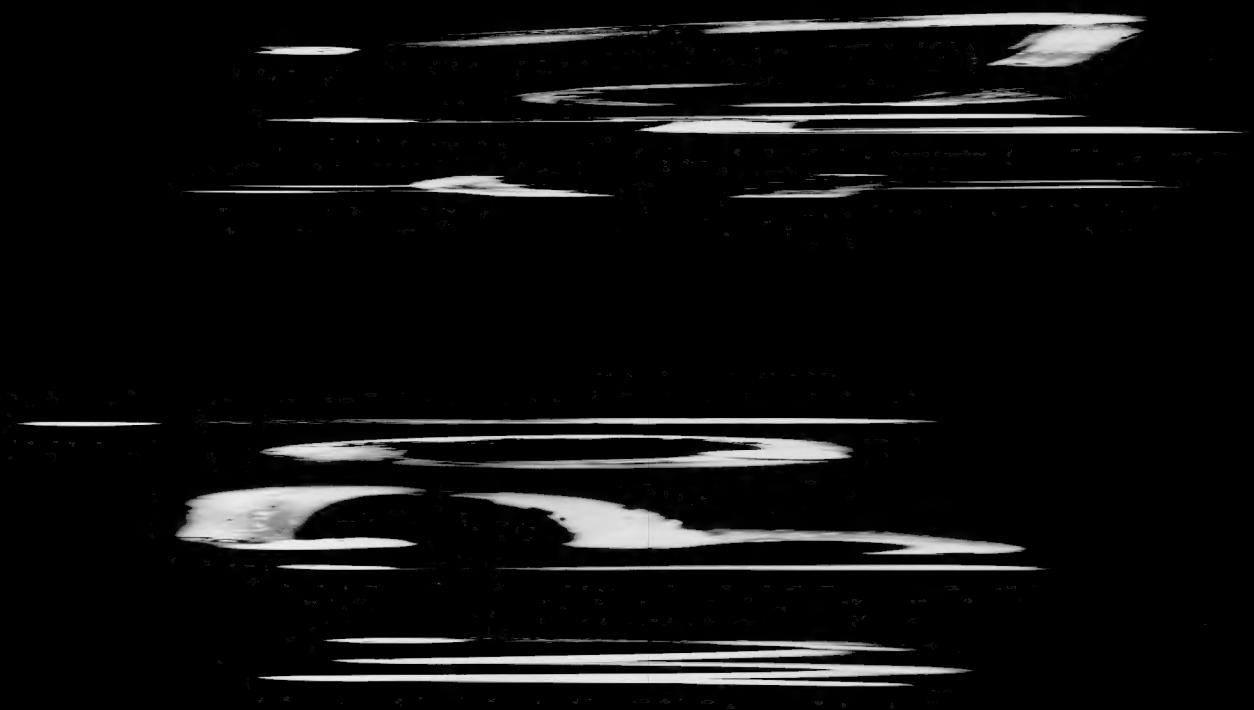
Henryetta, Indian Territory.

Dear Sir:

You are advised that the name of your mother, Nancy C. Whetstone, deceased, is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior June 16,1906, and that a selection of land in the Creek Nation may now be made for said Nancy C.Whetstone, by the administrator, at the Creek Land Office in Muskogee, Indian Territory.

This matter should receive your prompt attention.

Respectfully,

Commissioner.

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